

# CITY COUNCIL REPORT



MEETING DATE: 11/15/2005    ITEM No. 21    GOAL: Public Safety

## **SUBJECT**

**At Councilman Ecton's request, consider requiring retailers to monitor sales of any over-the counter drugs containing ephedrine or pseudoephedrine, ingredients used in the illegal production of methamphetamine narcotics.**

## **REQUEST**

Adopt Ordinance No. 3647 adding Section 19-22 and Section 19-23 to the Scottsdale Revised Code relating to the sale of products containing ephedrine or pseudoephedrine; regulating the manner of sale; providing for the seizure and forfeiture of improperly displayed products; requiring identification of purchasers; and requiring that purchases be reported to the Scottsdale Police Department (Attachment 1).

Section One of the ordinance would require retailers to keep any products containing ephedrine or pseudoephedrine locked up or behind a counter. In addition, Section Two requires that when customers buy these medications, retailers would be required to request identification and log the customer's name, address, date of birth and the quantity of medication being sold. Retailers also would be required to turn these logs over to the Scottsdale Police Department, either by mail or by submitting them on-line, monthly. Finally, Section Three sets the effective date of this ordinance at 90 days to give retailers ample time to put measures into place to allow compliance with these provisions.

## **BACKGROUND**

Ephedrine and pseudoephedrine are key ingredients ("precursor drugs") in methamphetamine production. Pseudoephedrine is a chemically synthesized decongestant found in a wide variety of over-the-counter drugs, including such products as Actifed®, Claritin-D®, Sudafed®, Tylenol-Cold® and a variety of other retailer brands and generics. Ephedrine, the naturally derived form, is also found in over-the-counter allergy products. These medications, by purchase or theft, are the prime source of ephedrine or pseudoephedrine used in illicit local manufacture of methamphetamine.

The illicit local manufacture of methamphetamine in "meth labs" is a serious and continuing public safety problem due to the flammable and toxic nature of the chemicals used in production process. Fires, explosions and hazardous material contamination are common occurrences associated with meth labs. Meth labs can be located in any type of residence or neighborhood and have been found in commercial areas. Meth labs expose the occupants and those who come in contact with the lab to extremely dangerous conditions. Persons most affected by meth labs include the children and families of the persons operating the meth labs, neighbors and public safety personnel (Attachment 2).

Action Taken \_\_\_\_\_

The local use and production of methamphetamines is a public safety concern to the Scottsdale Police Department. Within the last 3 years, Scottsdale police have discovered evidence of five meth labs within the Scottsdale city limits (see table below). The pseudoephedrine found in these labs was obtained from local retailers of over-the-counter drugs. These reports demonstrate that Scottsdale is not immune to the problem of clandestine meth labs. According to the Attorney General's Office, as much as 25% of the Arizona methamphetamine supply may be produced locally in Arizona meth labs. Further, the use of methamphetamines by persons in the Scottsdale area also significantly impacts Scottsdale's rates for crimes such as burglary, theft, fraud, identity theft and domestic violence.

**Meth Labs in Scottsdale, 2003 – Present.**

Report Date	General Location	Comment
1/24/03	Mountain View and 104 <sup>th</sup>	Chemicals and equipment used to manufacture methamphetamine were found in a vehicle when driver crashed into a tree.
5/25/03	Palm and Hayden	Pseudoephedrine was found among chemicals and equipment in meth lab found in house in responding to domestic violence call.
6/12/03	Bell and Thompson Peak	Jogger finds remains meth lab operation in a desert area under palo verde tree near the Preserve.
11/19/03	Thomas and Miller	Three firefighters were hospitalized responding to a sprinkler alarm call after finding meth lab in an apartment with a strong chemical odor.
1/20/04	Bellevue and Hayden	Meth lab discovered in fireplace in home. Receipts were found with pseudoephedrine purchases from several retail locations in Scottsdale and Mesa.

**ANALYSIS &  
ASSESSMENT**

**Community involvement.** In Oct. 2005, the City mailed notification letters to 262 pharmacies and non-pharmaceutical drug retailers operating in Scottsdale (Attachment 3). Responses from the public received to date have been provided for Council review (Attachment 4). In addition, staff also held meetings with key retailers and industry representatives to get their feedback. Finally, public meetings were scheduled for Nov. 1 and 3 to gain further public input on this proposed ordinance. A report of input received at these meetings will be forwarded to the City Council on Nov. 10.

Retailers are already adjusting to public pressure to restrict the sales of precursor drugs. For example, Circle K representatives stated that they will be pulling all their pseudoephedrine products and will no longer sell them in their stores. In addition, Walgreens announced that they would be moving all products containing pseudoephedrine, including liquids and gels, behind the pharmacy counter by the end of October. Further, Albertson's, CVS, Kmart, Target and Wal-Mart have also recently changed corporate policies to limit access to medications containing the drugs. Retailers staff spoke with stated that they support restricting access to these over-the-counter drugs, but do not support adding identification and reporting requirements because of privacy concerns, increased administrative costs and time, as well as impacts on those purchasing these products for legitimate use.

Retailers contacted by staff also stated that they have been working with their distributors to reformulate products containing pseudoephedrine with alternate active ingredients such as phenylephrine. Many products have already been reformulated; although it is anticipated that reformulation of all products will not be complete until the end of 2006. This is because of Food and Drug

Administration review requirements for reformulated over-the counter medications. In addition, it was suggested by a drug manufacturer that the effective date of the ordinance be extended to Apr. 15, 2006 (150 days) to coincide with the end of this year's cold and flu season. They also suggest that the City consider exempting liquids and liquid gels, because they are more difficult to extract pseudoephedrine from for the production of methamphetamines (Attachment 5).

**Regulation by other jurisdictions.** There are 35 states that regulate the sale of ephedrine and pseudoephedrine, including Arizona. However, there are not regulations currently in place in California, Mexico or Utah that border Arizona. The State of Arizona recently passed legislation placing restrictions on the sale of ephedrine and pseudoephedrine. Effective Oct. 31, 2005, Arizona state law prohibits a retailer from selling more than three packages, not to exceed 9 grams, unless the person has a valid prescription. State law requires retailers keep sole ingredient pseudoephedrine tablets behind a store counter or in a locked facility. Multi-ingredient products and those in the liquid, liquid capsule and gel capsule forms are exempted. The Arizona law also increased the penalties for being found guilty of methamphetamine manufacture, or for possessing large quantities of the precursor drugs.

Arizona Attorney General Terry Goddard has recommended that the State pass stronger legislation, modeled after those in other states (Attachment 6). For example, in April 2004, Oklahoma became the first state to enact a measure placing medications containing pseudoephedrine behind pharmacy counters and requiring pharmacists to keep a log of purchases of the over-the-counter products. They have found that the restriction of open access to these products and requiring identification of buyers has reduced the number of methamphetamine labs discovered in Oklahoma. Option C, included with this report, is for the City Council to direct Government Relations staff to pursue state legislation in the 2006 legislative session that will require over-the-counter drugs that contain ephedrine and pseudoephedrine to be secured and require the retailer to keep a log of purchases of these products.

Following the passage of the state legislation, several Arizona cities have passed municipal ordinances that impose additional restrictions upon retail sales of ephedrine/pseudoephedrine and related products. These efforts have also had the support of the Attorney General. The cities of Camp Verde, Cottonwood, Phoenix and Tucson have recently passed such ordinances. Phoenix's ordinances (Attachment 7) differ from the Cottonwood and Camp Verde laws in three ways. First, the Cottonwood and Camp Verde ordinances only limited pseudoephedrine in tablet form; Phoenix expanded their ordinances to include any form of the drug. Second, the Phoenix ordinances include a forfeiture clause. Finally, Phoenix included a 90-day effective date to allow time for implementation. The Phoenix law goes into effect Dec. 6, 2005.

The City of Tucson has taken a slightly different approach than the other cities. The Tucson ordinance (Attachment 8) was passed on Oct. 18, 2005 and is effective Nov. 1, through the use of an emergency clause. In addition to restricting access to products, they have granted retailers the right to refuse a sale of regulated products if they have a reasonable belief that the products would be used for unlawful purposes. Tucson did not include any additional identification or reporting requirements but has scheduled discussion of developing a local or regional electronic database related to sales of these products for their meeting on Nov. 22. Tucson's identified need for a local or regional database is also of interest to the

Scottsdale Police Department. Without logged electronic information shared between jurisdictions, there is less value to the reporting requirement included in the proposed ordinance.

The federal government is also considering classifying pseudoephedrine and ephedrine as controlled substances and limiting retail sales of products that contain them. The legislation, commonly known as the “Combat Meth Act,” was passed by the U.S. Senate on Sept. 15, 2005, and is currently in conference committee. The Senate-approved version would require products to be kept behind a pharmacy counter and allow only a pharmacist or pharmacy technician to sell the products. Consumers would be limited to 7.5 grams of the product over a 30-day period, which would be monitored through a computer tracking system. Consumers would be required to present proof of identification and sign for the medicine upon purchase. The bill would also authorize the appropriation of over \$40 million for increased enforcement and prosecution; as well as funding efforts for the treatment of methamphetamine abuse.

## **RESOURCE IMPACTS**

**Staffing, workload impact.** The Police Department would need to develop a system in order to track and analyze the reports required from retailers. As a result, a full time police support specialist would be needed to process the reports. Estimated fiscal impact to the City is approximately \$44,624.

There would be no fiscal impact to the City if the Ordinance is approved without Section 2, which adds customer identification and retailer reporting requirements to the restrictions on the sale of these products.

## **OPTIONS**

**Description of Option A:** Approve Ordinance No. 3647.

**Description of Option B:** Approve Ordinance No. 3647 without Section 2 (without identification and reporting requirements).

**Description of Option C:** Direct Government Relations staff to support efforts to pursue legislation in the 2006 state legislative session regarding the sale of pseudoephedrine. Provisions may include regulating the frequency of purchase, requiring a log of purchases, requiring the products only be sold by pharmacies and regulating the sale of the chemical in any form and when it is combined with any other ingredients.

Please note, Option C could be approved with, or independent of Option A or B.

**Description of Option D:** Take no action on this item at this time.

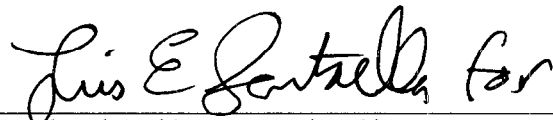
**Proposed Next Steps:** If the Council chooses Option A or B, City staff will begin notifying pharmacies and retailers that sell over-the-counter drugs of the new regulations, well in advance of the 90-day effective date. Staff will also prepare workshops for retailers to ease compliance with the new ordinance.

## **RESPONSIBLE DEPT(S)**

City Attorney’s Office, Police Department

## **STAFF CONTACTS**

Lt. Stephen Gesell, SIS Commander, (480) 312-8219  
Luis Santaella, Assistant City Attorney, (480) 312-7771  
Brent Stockwell, Assistant to Mayor/Council, (480) 312-7288

**APPROVED BY**

Deborah Robberson, Acting City Attorney  
[DRobberson@ScottsdaleAZ.gov](mailto:DRobberson@ScottsdaleAZ.gov), (480) 312-2405

10/31/05

Date



Alan Rodbell, Police Chief  
[ARodbell@ScottsdaleAZ.gov](mailto:ARodbell@ScottsdaleAZ.gov), (480) 312-6773

10/31/05

Date

**ATTACHMENTS**

1. Ordinance No. 3647.
2. "Methamphetamine Labs and Our Communities," Presentation by Attorney General Terry Goddard.
3. Letter sent to Pharmacies and Business Owners.
4. Public Comments.
5. "Example of Cold Medicines Needed for Typical PSE Extraction to Make One Gram of Methamphetamine." Provided by Wyeth Consumer Healthcare.
6. Attorney General's 2005 Proposed Legislation.
7. City of Phoenix Ordinances and City Council Report.
8. City of Tucson Ordinance and Mayor & Council Communication.

ORDINANCE NO. 3647

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE; REGULATING THE MANNER OF SALE; PROVIDING FOR THE SEIZURE AND FORFEITURE OF IMPROPERLY DISPLAYED PRODUCTS; REQUIRING IDENTIFICATION OF PURCHASERS; AND REQUIRING THAT PURCHASES BE REPORTED TO THE SCOTTSDALE POLICE DEPARTMENT; ADDING SECTIONS 19-22 AND 19-23 TO THE SCOTTSDALE REVISED CODE

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 19-22 Scottsdale Revised Code is added as follows:

SECTION 19-22. SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE.

A. THE OPERATOR OF A RETAIL COMMERCIAL ESTABLISHMENT SHALL KEEP ALL PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE BEHIND A STORE COUNTER OR OTHERWISE IN A MANNER THAT IS INACCESSIBLE TO CUSTOMERS WITHOUT THE ASSISTANCE OF THE OPERATOR OR AN EMPLOYEE OF THE ESTABLISHMENT.

B. FOR PURPOSES OF THIS SECTION, A PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE INCLUDES ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF EPHEDRINE OR PSEUDOEPHEDRINE OR ITS SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS. PRODUCT PACKAGING THAT LISTS EPHEDRINE OR PSEUDOEPHEDRINE AS AN ACTIVE INGREDIENT SHALL CONSTITUTE *PRIMA FACIE* EVIDENCE THAT IT IS A PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE.

C. FOR PURPOSES OF SUBSECTION A ABOVE, OPERATOR MEANS AN OWNER, MANAGER, PHARMACIST, CORPORATION OR OTHER FICTITIOUS PERSON OR OTHER RESPONSIBLE PARTY.

D. A VIOLATION OF THIS SECTION IS A CLASS ONE MISDEMEANOR.

E. ANY PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE FOUND TO BE DISPLAYED IN A RETAIL COMMERCIAL ESTABLISHMENT IN VIOLATION OF SUBSECTION A CONSTITUTES A NUISANCE AND IS SUBJECT TO FORFEITURE TO THE CITY. ANY PRODUCTS FORFEITED UNDER THIS SECTION SHALL BE DESTROYED.

F. PRODUCTS SUBJECT TO FORFEITURE UNDER THIS SECTION MAY BE SEIZED BY A PEACE OFFICER ON PROCESS ISSUED PURSUANT TO TITLE 13, ARIZONA REVISED STATUTES, INCLUDING A SEARCH WARRANT, OR UPON PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS SUBJECT TO FORFEITURE. BEFORE REMOVING ANY PRODUCTS SUBJECT TO SEIZURE FROM THE RETAIL COMMERCIAL ESTABLISHMENT, THE PEACE OFFICER SHALL GIVE THE OPERATOR OF THE ESTABLISHMENT A REASONABLE OPPORTUNITY TO IMMEDIATELY REMOVE THE PRODUCTS FROM THE AREA OF THE ESTABLISHMENT ACCESSIBLE TO THE PUBLIC, UNLESS THE ESTABLISHMENT HAS BEEN AFFORDED THIS OPPORTUNITY TO AVOID A SEIZURE ON A PREVIOUS OCCASION.

G. AT THE TIME OF SEIZING ANY PRODUCTS UNDER THIS SECTION, THE PEACE OFFICER SHALL DELIVER A NOTICE OF INTENT TO FORFEIT THE SEIZED PRODUCTS. THE NOTICE SHALL INCLUDE THE DATE AND LOCATION OF THE SEIZURE, AN INVENTORY OF THE ITEMS SEIZED, A DESCRIPTION OF HOW A POST-SEIZURE HEARING MAY BE REQUESTED, THE TIME LIMIT FOR REQUESTING A HEARING, AND A WARNING THAT FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN THE FORFEITURE AND DESTRUCTION OF THE SEIZED PROPERTY. THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SERVED ON THE OPERATOR OR MANAGER OF THE RETAIL COMMERCIAL ESTABLISHMENT PRESENT AT THE TIME OF THE SEIZURE, OR IF THE PEACE OFFICER CANNOT IDENTIFY AN OPERATOR OR MANAGER AFTER REASONABLE EFFORTS, TO ANY EMPLOYEE OR WORKER PRESENT AND UNDER THIS CIRCUMSTANCE THE PEACE OFFICER SHALL ALSO POST THE NOTICE IN A CONSPICUOUS LOCATION WITHIN THE RETAIL ESTABLISHMENT.

H. A PARTY RECEIVING A NOTICE OF INTENT TO FORFEIT UNDER THIS SECTION MAY REQUEST A POST SEIZURE HEARING WITH THE CITY COURT TO DETERMINE THE VALIDITY OF THE FORFEITURE WITHIN FIFTEEN DAYS OF RECEIVING THE NOTICE. THE COURT SHALL CONDUCT THE HEARING WITHIN FORTY-EIGHT HOURS OF THE COURT'S RECEIPT OF THE REQUEST, EXCLUDING WEEKENDS AND CITY HOLIDAYS. FAILURE TO TIMELY REQUEST OR TO ATTEND A SCHEDULED HEARING CONSTITUTES A WAIVER OF THE RIGHT TO CHALLENGE THE VALIDITY OF THE FORFEITURE. AT THE HEARING, THE CITY SHALL HAVE THE BURDEN OF ESTABLISHING BY A PREPONDERANCE OF THE EVIDENCE THAT THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE. THE HEARING SHALL BE INFORMAL AND OPEN TO THE PUBLIC. THE COURT MAY ADMIT ANY RELIABLE RELEVANT EVIDENCE TO DETERMINE IF THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE. IF AFTER THE HEARING, THE COURT FINDS THE SEIZED PRODUCTS ARE NOT SUBJECT TO FORFEITURE, IT SHALL ORDER THE IMMEDIATE RETURN OF ALL SEIZED ITEMS, EXCEPT THAT, UPON REQUEST OF THE PROSECUTOR, A REASONABLY REPRESENTATIVE SAMPLE OF THE SEIZED PRODUCTS MAY BE RETAINED AS EVIDENCE FOR A CRIMINAL PROSECUTION UNDER THIS SECTION. IF THE COURT FINDS THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE, IT SHALL ORDER THEM FORFEITED TO THE CITY.

Section 2. Section 19-23 Scottsdale Revised Code is added as follows:

SECTION 19-23. REPORTING THE SALE OF PRODUCTS CONTAINING  
EPHEDRINE OR PSEUDOEPHEDRINE.

A. A PERSON MAKING A RETAIL SALE OF A PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE SHALL REQUIRE ACCEPTABLE PHOTO IDENTIFICATION FROM THE PURCHASER AND SHALL RECORD THE PURCHASER'S NAME, DATE OF BIRTH, ADDRESS AND QUANTITY OF EPHEDRINE OR PSEUDOEPHEDRINE PRODUCT PURCHASED. FOR PURPOSES OF THIS SUBSECTION, ACCEPTABLE PHOTO IDENTIFICATION MEANS ANY OF THE FOLLOWING:

1. CURRENT DRIVERS LICENSE OR PICTURE IDENTIFICATION ISSUED BY THIS OR ANY OTHER STATE OR TERRITORY OF THE UNITED STATES OF AMERICA OR THE UNITED STATES GOVERNMENT;
2. A CURRENT VALID PASSPORT ISSUED BY THE UNITED STATES OF AMERICA OR A FOREIGN GOVERNMENT;
3. A CURRENT TRIBAL IDENTIFICATION CARD ISSUED BY A FEDERALLY RECOGNIZED TRIBE;
4. A CURRENT MILITARY IDENTIFICATION CARD ISSUED BY THE UNITED STATES ARMED FORCES OR DEPARTMENT OF DEFENSE; OR

5. A CONSULAR IDENTIFICATION CARD THAT PROVIDES A PHOTOGRAPH AND OTHER DESCRIPTIVE INFO REQUIRED IN SUBSECTION A ABOVE ISSUED BY A FOREIGN GOVERNMENT

B. BY THE TENTH DAY OF EACH MONTH, THE SELLER OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE SHALL REPORT TO THE SCOTTSDALE POLICE DEPARTMENT THE INFORMATION REQUIRED TO BE OBTAINED BY SUBSECTION A FOR SALES OCCURRING THE PREVIOUS MONTH. THE REPORT SHALL BE IN WRITING OR ELECTRONICALLY SENT IN A MANNER SPECIFIED BY THE CHIEF OF POLICE OR HIS OR HER DESIGNEE.

- C. A VIOLATION OF THIS SECTION IS A CLASS ONE MISDEMEANOR.

Section 3. Delayed Effective Date. The provisions of this ordinance shall take effect ninety days after passage.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_ day of November, 2005.


ATTEST:

CITY OF SCOTTSDALE, an  
Arizona municipal corporation

\_\_\_\_\_  
Carolyn Jagger  
City Clerk

\_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deborah Robberson  
Acting City Attorney



# **Methamphetamine Labs and Our Communities**



Presentation for the League of Arizona Cities and Towns  
Attorney General Terry Goddard  
September 21, 2005

1

## **What is methamphetamine (meth)?**

- Cheap, powerful stimulant
- Highly addictive
- Temporary euphoria
- Increased energy, Sleeplessness
- Paranoia and violent behavior
- Permanent brain damage

2

## Who uses meth?

- Equal Opportunity Destroyer
  - The 'Soul Robber'
- Meth does not discriminate -- attacks
  - All backgrounds
  - All ages
  - All neighborhoods
  - All economic classes
- Meth destroys all types of lives

3

## Where is Arizona meth produced?

- About 25% of supply is home 'cooked'
- Mexico 'super labs' produce 50-65%
- California labs between 5-15%

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## Meth dangers

- High addiction rate -- very low treatment success
- Serious physical consequences from meth use
  - Teeth damage/loss, skin sores (meth bugs) and permanent brain damage
- Meth labs endanger first responders
  - Police and firefighters at risk of injury or death from explosion or inhalation of poisonous gas
  - First responders suffer 51% of all meth lab related injuries

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## 'Meth Mouth'



Enamel, the hardest substance in the body,  
literally destroyed by meth use

6

**Subject is 20 year old male**



7

**What is the key ingredient  
necessary to produce meth?**

**Pseudoephedrine**

8

## Blister packs of cold medicine containing Pseudoephedrine



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10

## How labs produce meth

- Simple formula – available on the Internet
- Denatured alcohol or other solvent removes 'binder' from tablets containing pseudoephedrine
- 'Cooks' apply heat to solution containing legally obtainable household products (lye, iodine, phosphorus)
- Chemical reaction converts pseudo to meth
- Labs can be set up almost anywhere
  - houses, apartments, hotels, trailers or cars (even backpacks)
- Typical lab operates 48 to 72 times per year
  - Chance of caustic and explosive reactions every time
- Typical cook will teach 10 others how to make meth

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## Risks to the community from meth

- Increased crime –
  - identity theft, mail theft
  - forgery
  - robbery
  - violence against children and women
- Fires and explosions
- Toxic gases and hazardous chemicals
- Each pound produced creates 5-7 pounds of highly toxic waste

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## "Gutted meth law means more deaths"

### RICHARD RUGLAS The Arizona Republic Gutted meth law means more deaths

It has been less than a year since the state legislature passed the Gutted Meth Law, which was supposed to be a landmark piece of legislation. It was supposed to be a landmark piece of legislation, a law that would have put an end to the rampant methamphetamine problem in Arizona. But now, after less than a year, the law is being called "gutted" because it has been weakened so much that it is no longer the landmark law it was supposed to be. The law was supposed to be a landmark piece of legislation, a law that would have put an end to the rampant methamphetamine problem in Arizona. But now, after less than a year, the law is being called "gutted" because it has been weakened so much that it is no longer the landmark law it was supposed to be.

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## Costs to Arizona over the past 4 years

- ◆ 362 AZ children rescued from meth labs
- ◆ \$4,000,000 disposal costs for contamination
- ◆ Adults booked into Maricopa County jail in 2003 –
  - ◆ 42% of females tested positive for meth
  - ◆ 38% of males tested positive for meth

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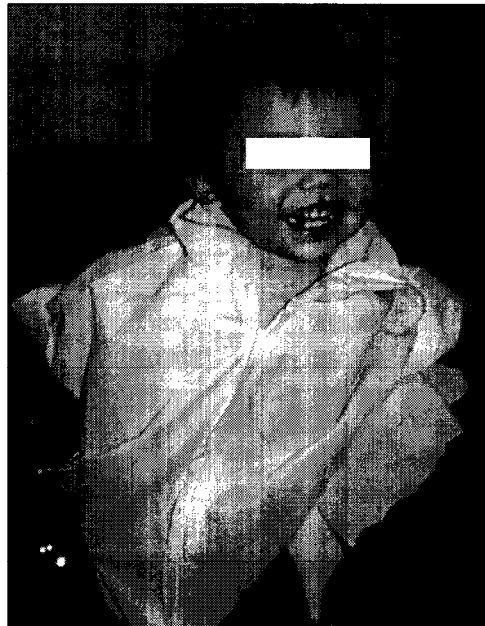
## **Meth labs and Arizona children**

- ◆ Arizona #1 in meth use for ages 12-17  
(U.S. Surgeon General Richard Carmona)
- ◆ Chemical burns, respiratory problems, lung and tissue damage, brain toxicity
  - ◆ Fumes from cooking
  - ◆ Dust residue on horizontal surfaces
  - ◆ Dangerous chemicals in reach of children
- ◆ Guns and other weapons and booby-traps to “protect” labs in reach of children

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## **Toddler found near meth lab**

18 months old child found by police during raid on a home with a meth lab. Toddler is wearing a white decontamination suit to protect the responding police officers from dangerous chemicals and meth residue on the child's skin.





## Impact of meth labs on Arizona children

- ◆ Over 65% of Arizona child abuse and neglect cases involve meth
- ◆ Cooking meth near children is child abuse under Arizona law
  - ◆ Off gases are highly toxic and pervade surrounding space
  - ◆ Poisonous residue on toys and all surfaces
  - ◆ Dangerous chemicals where children can reach, touch or drink them
- ◆ Violence a by-product of meth use
- ◆ Long periods (sometimes days) of coma-like sleep after a meth high means that kids not cared for or fed

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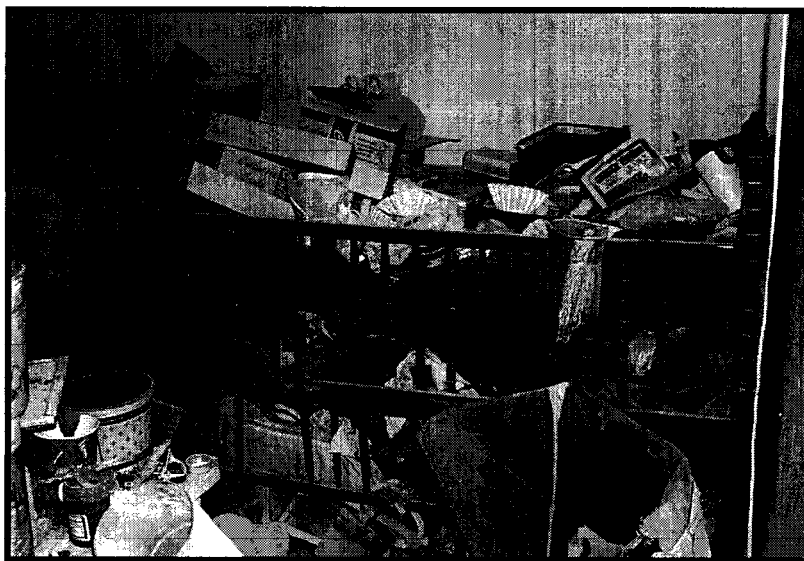
### Children are present



Dangerous chemicals where children  
can easily find and open them



Extreme filth and contamination



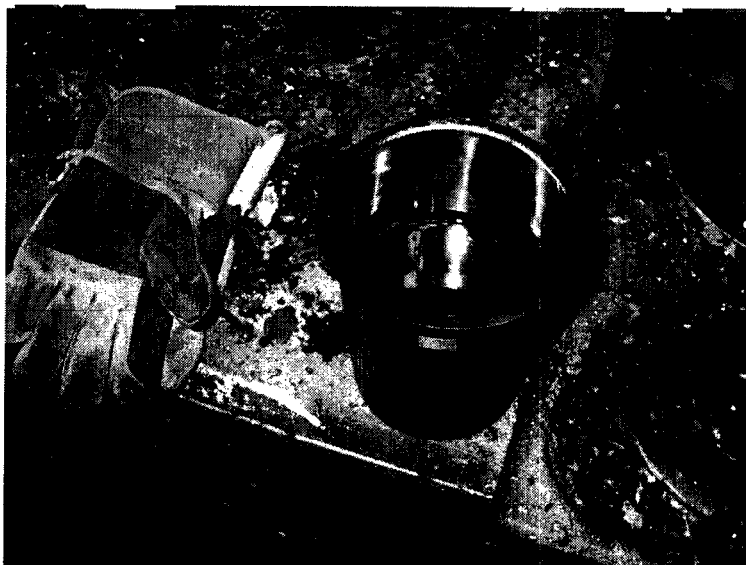
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**Living areas contaminated  
with methamphetamine by-products**



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**Kitchen with meth by-products**



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Things can get  
even worse. . .

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## **Meth Lab Explosion Phoenix - June 22, 2005**



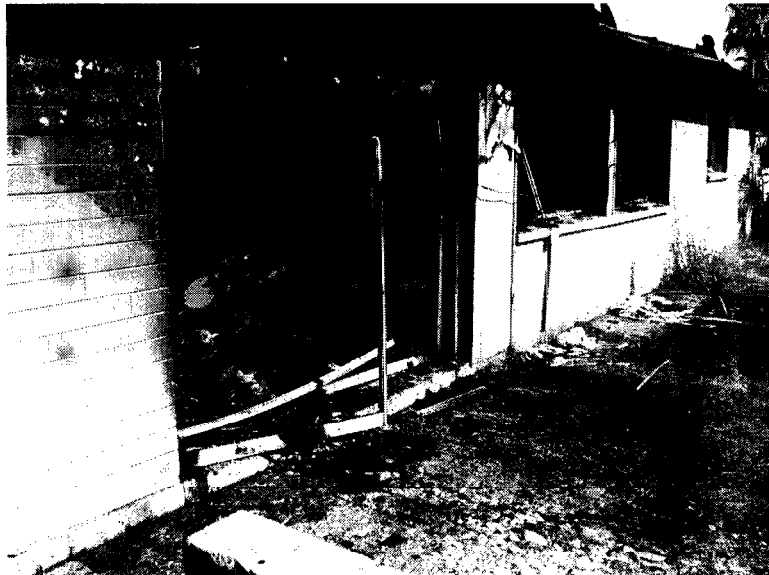
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## Front Bathroom



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## Patio doors (note damage to aluminum frame)



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Neighbors watched the suspect run out the front door on fire. He used the garden hose to put himself out then collapsed on the front lawn of the neighbor to the south.

The suspect's shirt was completely burned away, and the skin on his upper torso was blistered. The skin on his left hand came off like a glove and the skin was found on the grass the next morning.

Before being taken away in the ambulance, the suspect told firefighters he "heard a noise" and when he turned on the light switch, the house blew up.

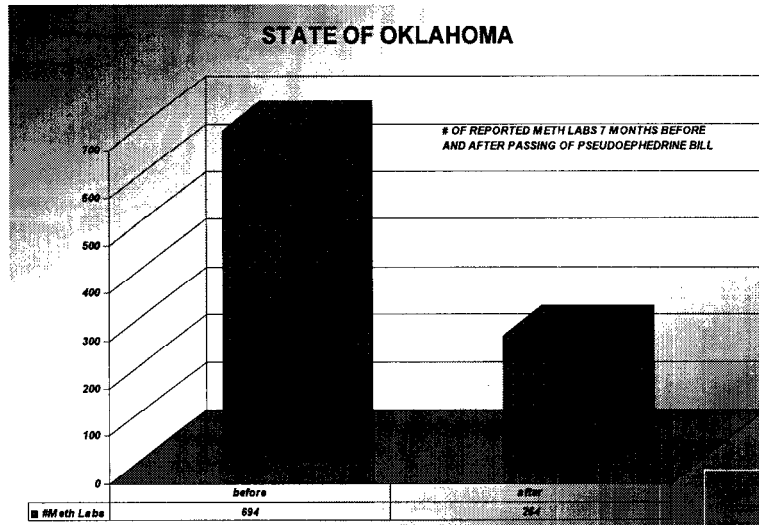
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## Skin Off Suspect's Left Hand



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## Fighting back against Meth labs



Currently reporting 70-90% meth lab reduction

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## Oklahoma model vs. Arizona law

	AG Legislation (Oklahoma model)	Senate Bill 1473
Frequency of purchase	9 grams in 30 days (about 367 30 mg tablets)	9 grams <u>per purchase</u>
Who can sell?	Only pharmacies sell tablets	All retailers
Log	Purchasers present ID and sign a log	No requirements
What is regulated?	Sales of any tablets with pseudoephedrine	Only single- ingredient tablets

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## Arizona Supporters of Oklahoma model

- Arizona Attorney General, Terry Goddard
- Apache County Attorney, Criss Candelaria
- Apache County Sheriff, Brian Hounshell
- Cochise County Attorney, Ed Rheinheimer
- Coconino County Attorney, Terrence C. Hance
- Coconino County Sheriff, William Pribil
- Gila County Attorney, Daisy Flores
- Gila County Sheriff, John R. Armer
- Graham County Attorney, Kenneth Angle
- Graham County Sheriff, Frank Hughes
- Greenlee County Attorney, Derek D. Rapier
- Greenlee County Sheriff, Steven Tucker
- La Paz County Attorney, Martin Brannan
- La Paz County Sheriff, Hal Collett
- Maricopa County Sheriff, Joe Arpaio
- Mohave County Attorney, Matthew J. Smith
- Mohave County Sheriff, Tom Sheahan
- Navajo County Attorney, Melvin Bowers, Jr.
- Navajo County Sheriff, Gary H. Butler
- Pima County Attorney, Barbara LaWall
- Pima County Sheriff, Clarence Dupnik
- Pinal County Attorney, Robert Carter Olson
- Pinal County Sheriff, Chris Vasquez
- Santa Cruz County Attorney, George E. Silva
- Santa Cruz County Sheriff, Tony Estrada
- Yavapai County Attorney, Sheila Polk
- Yavapai County Sheriff, Steve Waugh
- Yuma County Attorney, Jon R. Smith
- Yuma County Sheriff, Ralph E. Ogden
- City of Phoenix
- Boys and Girls Clubs Arizona Alliance
- Neighborhood Activists Inter-Linked Empowerment Movement (N.A.I.L.E.M.)
- Maricopa County Methamphetamine Task Force
- Arizona Department of Public Safety
- Maricopa County
- AZ Chapter of the American Academy of Pediatrics (AzAAP)
- Mental Health Association of Arizona
- Arizona Police Association
- Arizona State Fraternal Order of Police
- Arizona Association of Chiefs of Police
- Arizona Sheriffs Association
- Professional Firefighters of Arizona
- Pinal County Executive Law Enforcement Association
- United Food and Commercial Workers Local 99
- Children's Action Alliance
- Arizona Interfaith Network
- Arizona Council of Human Service Providers
- Santa Cruz County Metro Task Force
- Southern Arizona Border Law Enforcement (SABLE)
- Casa Grande Chapter of Mothers Against Methamphetamine Addiction (MAMA)
- Arizona Catholic Conference
- Neighborhood Coalition of Greater Phoenix

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## Arizona anti-meth lab campaign

- Oklahoma law failed in legislature
  - Will reintroduce next year
- Cities and towns acting
  - Cottonwood
  - Camp Verde
  - Phoenix
- Others soon to follow...
  - Tucson

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For more information, please contact:

Arizona Attorney General's website

[www.azag.gov](http://www.azag.gov)

Richard Travis

602-542-7922

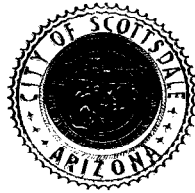
[Richard.Travis@azag.gov](mailto:Richard.Travis@azag.gov)

Sheryl Rabin

602-542-8016

[Sheryl.Rabin@azag.gov](mailto:Sheryl.Rabin@azag.gov)

33



*"Most Livable City"*  
U.S. Conference of Mayors

October 14, 2005

Dear Pharmacist or Pharmacy Manager:

On November 15, the City of Scottsdale will consider an ordinance requiring retailers to monitor sales of any over-the-counter (OTC) drugs containing ephedrine or pseudoephedrine, ingredients used in the illegal production of methamphetamine narcotics.

Your business has been identified as an enterprise that may be affected by the proposed ordinance. The Scottsdale City Council welcomes your input on this proposal.

The ordinance would be similar to measures recently adopted by the cities of Phoenix, Cottonwood and Camp Verde. It would require retailers to keep any products containing ephedrine or pseudoephedrine locked up or behind a counter. Before customers could buy these medications, retailers would be required to request identification, and log the customer's name, address, date of birth and the quantity of medication being sold. Retailers also would be required to turn these logs over to the Scottsdale Police Department, either by mail or by submitting them on-line, monthly.

A new state law recently took effect limiting the amount retailers may sell of any medication with pseudoephedrine as its only active ingredient. The intent of the proposed Scottsdale ordinance is to further restrict access to ephedrine or pseudoephedrine in order to curb the presence of local, illegal methamphetamine-producing operations. These small labs can be highly toxic, threatening nearby neighborhoods and schools.

The City is developing additional information on the proposed ordinance, including draft language and possible options for the City Council to consider on November 15th. Updated information will be posted, as available, on the City's Web site at [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) under "hot topics" on the homepage. If you do not have Internet access and would like a copy of the draft ordinance and other materials, please call the City at 480-312-3111.

To provide your comments or questions, Scottsdale encourages you to send an email to [feedback@scottsdaleaz.gov](mailto:feedback@scottsdaleaz.gov) with the words "OTC proposal" in the subject line. Letters also may be sent to the City of Scottsdale c/o Brent Stockwell, 3939 N. Drinkwater Blvd., Scottsdale AZ 85251. Additionally, the City has scheduled two community meetings to further inform the community about this proposal and to receive feedback. Here are the details for those meetings:

- o Tuesday, November 1, 9 a.m. at the City of Scottsdale Pinnacle Conference Room, 7575 East Main Street.
- o Thursday, November 3<sup>rd</sup>, 6 p.m. at the City's Mustang Library, 10101 North 90<sup>th</sup> Street.

The Council is scheduled to hear the proposal along with all collected community feedback at 5 p.m. November 15 at City Hall, 3939 Drinkwater Blvd. Thank you and we look forward to hearing from you.

Sincerely,

Brent Stockwell  
Assistant to the Mayor and City Council

c: Honorable Mayor and City Council

**ATTACHMENT 3**



-----  
From: WebSiteUser@scottsdaleaz.gov[SMTP:WEBSITEUSER@SCOTTSDALEAZ.GOV]  
Sent: Tuesday, October 18, 2005 10:19:15 PM  
To: Feedback  
Subject: OTC proposal

Do not reply to this message via email.  
The Internet user did not provide a return email address:

I realize this is a serious issue, but I am becoming upset because I need to use these medications almost daily (approx. 10 months out of the year) due to illness, allergies, and asthma. I do not mind the medicine being behind the counter, but why must I be extremely inconvenienced for the medicines that I need? Why does the government need to TRACK my purchases if I am a law abiding citizen? Why the presumption of guilt? The only effect it will make, is to make it harder for me to get the medication I need ( or I may decide not to take it because the records would have a potential for being abused by law enforcement agencies) while it only temporarily slows down the criminals but will not stop them. If a legal safeguard were added to the proposal that only under court order/search warrant that has a specific name(s) of an individual(s) under investigation or is currently detained, then I would be willing to consider the proposed measures. As it is, any board member who votes in favor of this will lose my vote. I am tired of having my civil liberties reduced/restricted because of others who break the law. The solution is not to create new laws and restrictions, but fund and support the legal system so it can enforce the laws that already exists.

This message was feedback from the following web page:  
<http://www.ci.scottsdale.az.us/safety/drugs/default.asp>  
10/18/2005 10:19:15 PM

-----Original Message-----

From: Stockwell, Brent  
Sent: Friday, October 21, 2005 12:19 PM  
To: 'CJONES@FORESTHEALTH.COM'  
Subject: FW: OTC proposal

Cheryl,

Thank you for your email. I ran your question by our City Attorney's Office and received the below response.

Please let me know if you have additional questions or need more information.

Sincerely,  
Brent Stockwell, Assistant to Mayor/Council, City of Scottsdale

-----Original Message-----

From: Santaella, Luis  
Sent: Friday, October 21, 2005 10:33 AM  
To: Stockwell, Brent  
Subject: RE: OTC proposal

Brent:

They would only have to file affirmative reports meaning when they had sales for a particular month. If they had no sales for the month, they would not need to make a report. If option I of the ordinance is passed, all retailers making sales of these products would be required to make these report. The proposed ordinance places a requirement on reporting retail sales, I would interpret this to mean that sales pursuant to a prescription filled by a licensed pharmacist would be exempt from the reporting requirement.

Luis Santaella, Assistant City Attorney

-----  
From: Cheryl Jones[SMTP:CJONES@FORESTHEALTH.COM]  
Sent: Friday, October 21, 2005 9:29:24 AM  
To: feedback@scottsdaleaz.gov  
Subject: OTC proposal

Thank you for the letter notifying me of the proposed ordinance.

I have one question. How will it be determined who needs to report their monthly sales of pseudoephedrine and if there are no sales that month does that need to be reported? As a hospital pharmacy, we don't sell OTC products to the public, so I anticipate never having anything to report.

Thanks for your help,

Cheryl Jones, Pharmacy Manager  
480-538-3032, [cjones@foresthealth.com](mailto:cjones@foresthealth.com)

**From:** Liz Geiser[SMTP:L.GEISER@COX.NET]  
**Sent:** Friday, October 21, 2005 9:45:04 PM  
**To:** feedback@scottsdaleaz.gov  
**Subject:** OTC proposal  
**Auto forwarded by a Rule**

Yes....go for it.

-----Original Message-----

**From:** Rick Kidder [mailto:rkidder@scottsdalechamber.com]

**Sent:** Tuesday, October 25, 2005 8:37 AM

**To:** City Council

**Subject:** Pseudoephedrine

Madam Mayor and Members of the City Council:

As some of you may know, I have tremendous experience with the methamphetamine problem in Arizona. I assisted Sen. Kyl and Sen. Feinstein on the Methamphetamine Control Act of 1996, was the "drug czar" for the State of Arizona and worked with law enforcement on the federal state and local levels regarding methamphetamine use in Arizona long before this issue became part of the public dialogue. I flew to California with DPS officers to bring back a murderer of a DPS officer on the Beeline Highway, a man who also murdered a Circle K clerk during his meth binge and flight from Arizona. I worked in the Governors office and chaired the Drug and Gang Policy Council.

My feelings on this issue are long and deep, as are my feelings about the placing of undue burdens on the business community. I have advocated for many years the placing of any OTC medications containing this precursor drug under lock and key. Many businesses have done so already since the "cookers" of meth preferred to steal the medications over purchasing them.

I applaud your decision to do something, but I do not believe that businesses selling legitimate over the counter medications should be forced to pay to train staff and record each purchase of products containing ephedrine or pseudoephedrine. Rather, I would favor a limitation on purchasing such drugs. No person needs more than. Say, two boxes of those medications at any one time. While such an act could restrain trade, it also addresses the real problem. Fake ID's are prevalent in Arizona, and, knowing the law is in effect, manufacturers will simply recruit the unsuspecting to purchase the precursor chemicals for them. The poor may make ten dollars to act as mules into the stores to purchase for the manufacturer.

It will make it far more difficult for the manufacturer if there is a limit placed on the size or number of milligrams of ephedrine or pseudoephedrine purchased in line with current packaging standards. Pseudoephedrine can be purchased in exceptionally high quantities in Mexico, and the goal should be to choke off the convenience of purchase here. Nothing keeps a manufacturer from hitting several stores and buying large amounts with false identification, but if it takes visits to 100 stores to get enough to extract into a usable methamphetamine product, the incredible inconvenience may be enough to drive the cooker to different market areas.

The truth is: No ordinance solves the problem. The proposed ordinance adds cost and additional challenges to business in the form of recording. Limit sales without adding to the already growing identity fake and theft issue.

Thank you for your time.

Rick

-----  
From: Paul, Vinny[SMTP:VINNY.PAUL@BANNERHEALTH.COM]  
Sent: Monday, October 31, 2005 3:10:13 PM  
To: feedback@scottsdaleaz.gov  
Subject: otc proposal  
Auto forwarded by a Rule

Brent Stockwell,

I have received your letter regarding the ephedrine/ pseudoephedrine ordinance. I assume that this should not affect inpatient hospital pharmacies like this one. We do not dispense pharmaceuticals to the general public but rather only to patients currently admitted into this hospital for use inside the hospital.

Otherwise, I would just like to make some points. First, I feel that this ordinance might prove to be a huge burden to retail pharmacy and the Scottsdale police force with minimal additional benefit above and beyond state regulation. Second, if there is to be a law passed, I would suggest that any log that is to be kept to just be made available to the police upon request or add a fax option instead of mail or on-line. Faxing has evolved to be the preferred method of communication in retail pharmacy. Thank you,

Vinny Paul, PharmD  
Director of Pharmacy  
Banner Behavioral Health Hospital  
7575 East Earll Drive Scottsdale, AZ 85251  
Phone - 480-941-7522 Fax - 480-941-7606



October 31, 2005

Mr. Brent Stockwell  
Assistant to the Mayor & Council  
City of Scottsdale, AZ 85251

Dear Brent:

Thank you for meeting with Trish Hart and me last week regarding the proposed ordinance restricting the sale of over-the-counter pseudoephedrine products. By asking for our input you have enriched the City's reputation for promoting positive relationships with business. And for that, we thank you.

Arizona's food industry worked with the legislature this past session to pass SB1473. We believe its provisions are substantive and properly focused on individuals who misuse these legal and beneficial medications. The newly enacted law to keep single ingredient products behind a counter does not become effective until October 31, 2005. It is our belief that the legislation should be given a chance to produce its intended results. Obviously, its potential effect has not been given that chance.

AFMA members believe it is not good public policy to make law-abiding citizens who rely on these cold and allergy products bear the consequences of the few who illegally abuse these products. We also believe any proposed solution to this problem should primarily be focused on the source of that problem. In this case, it has been estimated by the Drug Enforcement Agency that as much as 90% of Arizona's meth is coming from Mexico and Canada. Limiting access to legitimate cold and allergy consumers clearly fails the "accurately focused test".

Consequently, we request the City of Scottsdale not pass its own pseudoephedrine ordinance. Such action is not warranted given the passage of SB1473. Furthermore, we have been advised by expert counsel that such action is illegal since the statute contains a pre-emption clause.



In the event, however, the Council determines it wishes to proceed with a Scottsdale ordinance, we request such a measure provide for a minimum 90 day effective date and not require the "sign-in" log book. The delayed effective date will enable our members to sufficiently prepare for the implementation of such an ordinance if passed by the Council.

In addition, as responsible business owners, AFMA member retailers are very concerned about the security problems that could arise from keeping the private consumer information prescribed by the logbook provision. As you are most likely aware, Arizona ranks number one in identity theft and the security of our customers' private information is of great concern to our member companies.

Again, thank you for allowing our trade the opportunity to provide comment.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rich Jennings", written in a cursive style.

Rich Jennings  
President

-----Original Message-----

From: Dave Walker [mailto:mdavidwalker@hotmail.com]

Sent: Tuesday, November 01, 2005 2:10 PM

To: bstockwell@scottsdaleaz.gov

Cc: Rwhite123@aol.com

Subject: Valley Interfaith Says Control Meths

Sir:

Valley Interfaith churches want you to protect our children against improper use of Methamphetamine drugs. News from across the country indicates half measures are not saving children and young adult lives. There are those who argue for half measures.

You must take FULL control and stop the harm this is causing. We support you in these efforts.

Sincerely, Martin David Walker, 7239 E. Kalil Dr, Scottsdale AZ 85260

-----Original Message-----

**From:** JOAN WEISS [mailto:joanwwhite@att.net]

**Sent:** Tuesday, November 01, 2005 6:14 PM

**To:** BStockwell@ScottsdaleAZ.gov

**Cc:** Rhwhite123@aol.com

**Subject:** Ordinance #3647

I am writing in support of Ordinance #3647. My name is Joan Weiss and I am a member of St. Patrick's Catholic Community and East Valley Interfaith. I am a registered voter in Scottsdale where I reside with my husband at 7513 E. Clinton Street.

I believe it is critical that we stop or slow down the proliferation of meth labs any way we can .We are losing many of our adolescents to methamphetamine which is extremely difficult to give up. Also, many children live in homes where meth labs are operating, and they often have to be taken into protective custody. Cleaning up meth labs and caring for these children and teenagers costs our state millions of dollars a year.

Requiring persons who wish to buy products containing ephedrine or pseudophedrine to ask for it, show identification and sign a log book makes it more difficult for someone who wishes to use these drugs illegally. I understand that in Iowa, which passed a bill similar to Ordinance #3657, meth lab busts for a three month period dropped from 249 to 52.

It would be wonderful if Arizona passed an ordinance like this, but the matter is too serious to wait . Let's do it in Scottsdale and get started turning this meth epidemic around.

Thank you.  
Joan Weiss

-----Original Message-----

**From:** Jozef de Groot [mailto:degroot1@qwest.net]

**Sent:** Tuesday, November 01, 2005 9:23 PM

**To:** BStockwell@ScottsdaleAZ.gov

**Subject:** Methamphetamine Ordinance for Scottsdale

I am a long time resident of Scottsdale. My wife has lived here since the 1970's. I've lived here since 1984. We have a stake and an investment in this community and what happens here. As a member of East Valley Interfaith I have become involved and did some studying of the meth problem plaguing Arizona and this valley, including Scottsdale. I have become convinced that we need a strong ordinance in as many cities as possible. The Az legislature had a chance to deal effectively with this problem and backed down. It is the cities and city governments that now need to carry the ball.

Please support the original ordinance as written. I will promise to continue this fight and take it back to the State legislature as well - but we need to start somewhere. Strong city ordinances will force the legislature to take another look. We need any drugs containing meth ingredients locked in cabinets, behind the counter and log books to track its dissemination. We already do this for many other drugs. Experience in other cities has shown that this creates a powerful deterrent effect on the illegal use of these products.

The devastating effect of meth as a drug has been well documented. It is destroying our youth. There is no drug harder to kick or which has such deleterious consequences on the health of both the user and the health of the community. The U.S. Surgeon General ranks Arizona #1 in the usage of meth by 12-17 year olds. Scottsdale can help set an example. Certainly Scottsdale can do what other cities and towns are doing by voting for such ordinances.

Thank you for your attention.

**Jozef de Groot**

degroot1@qwest.net

480-991-1580

-----Original Message-----

From: Martha Seaman [mailto:martha.seaman1@cox.net]  
Sent: Tuesday, November 01, 2005 11:13 PM  
To: BStockwell@ScottsdaleAZ.gov  
Subject: Support for Council approval of proposed Ord.3647

I encourage the Scottsdale City Council to take a strong position to counter the scourge of labs producing meth in our neighborhoods.

The Scottsdale City Council should pass an ordinance that requires retailers to keep products containing ephedrine or pseudoephedrine locked up or behind a counter and only sell these items to customers who show ID and sign a log book.

As deacon at St. Stephen's Episcopal Church, I worked with members of my congregation and others in East Valley Interfaith and the Arizona Interfaith Network for meaningful statewide legislation to address this issue. Regrettably, the Legislature chose to take an approach that has demonstrated in other jurisdictions as ineffectual. Cities must now take the initiative to combat this serious problem.

I wish to focus my comments on the component of the proposed ordinance that would require that those purchasing ephedrine products show ID and sign a log book. This feature is key to an effective approach to local meth labs. My understanding, based on conversations with law enforcement personnel while researching this issue, is that local meth labs compete with imported meth by refining their product so that it produces a longer "high", therefore producing more "bang for the buck." This means that any step which discourages local production, even though it represents a smaller percentage of the overall sources of the meth, meaningfully diminishes the impact of this highly addictive drug.

Thank you for your careful consideration of this issue which so threatens our children and the neighborhoods in which they grow up.

Martha Seaman  
7419 E. Palm Lane  
Scottsdale 85257

Deacon  
St.Stephen's Episcopal Church

Richard H. "Dick" White  
Director of Office of Social Justice and Outreach Ministries  
St. Patrick Catholic Community  
10815 N. 84<sup>th</sup> St.  
Scottsdale, Az. 85260  
480-510-9071  
Co-Chair/East Valley Interfaith

November 1, 2005

**Pseudoephedrine and Methamphetamine**  
**A deadly duo**

Originally developed to treat nasal congestion, usage rapidly expanded to cover narcolepsy and ADHD. The drug was distributed in WW II to keep soldiers on the move. After the War, with wide availability they were used by long-haul truckers to stay awake, by people trying to lose weight, or by athletes looking for an edge, or to treat depression. But addiction grew and in the mid-60's attempts were made to try to decrease black market sales, and many products were removed from the market.

But they are back. The abuse of methamphetamines has become an epidemic in the United States. It began in the West and is moving East, right now is about at Appalachia, not having hit many parts of the East Coast yet. But it is having a devastating effect on our country. The increasingly widespread production, distribution and use of meth are now affecting urban, suburban and rural communities nationwide. In a study published by the National Association of Counties, Arizona reported a 100% increase in meth related arrests in the last three years, and this reported rate started five years ago.

Meth abuse causes legal, medical, environmental and social problems. Citizens wind up paying for investigating and closing meth labs, making arrests, holding lawbreakers in detention and then trying them, providing treatment for those addicted to the drug, and cleaning up lab sites (they are hazardous waste sites).

Several of these problems seem intractable (rehab rates for meth users run at only a 5-7% success rate), and beyond our local control (much meth, already processed, comes in from over our borders). Meth has become the leading drug-related local law enforcement problem in the country. And Arizona is among the leaders in terms of users.

But there is a piece of the problem that we can address, and that is related to the supplies that smaller set-ups use to cook the meth from pseudoephedrine available in a number of forms.

This problem was brought to the attention of the Legislature in 2005 by Arizona Attorney General Terry Goddard and Rep. Tom O'Halleran. The O'Halleran bill was based on the

successful Oklahoma model. This put all medications with Pseudoephedrine/Ephedrine, even in combination with other drugs, even in gel cap form, behind the counter at pharmacies, where one had to sign a log to purchase the medications. This had had the effect in Oklahoma of reducing the number of meth labs by over 80 %.

But rather than follow this model that had worked, pharmaceutical companies, Retail Grocers Association, and WalMart, backed another bill, sponsored by Sen. Barbara Leff, that significantly watered down the attempt to control this part of the problem. This Leff bill would restrict only those medications in which pseudoephedrine was the only active ingredient (thus ruling out those medications that were in combination with pseudoephedrine, such as Ibuprofen), it allowed gel caps to stay out on the shelves unrestricted (even though there are now recipes to cook Methamphetamine from gel caps, as well as inhalers), did not penalize the companies who left the product out on the shelves, and did not have a methodology to track those who might be abusing the system to collect large amounts of the drug to use in cooking Meth.

The legislation allows for 9 grams per purchase, which is equivalent to about 360 pills, more than anyone would possibly use for personal care even in a month.

What do we know about this epidemic, and why are we acting upon this information? We know through Vice Principal Chris Panneton of Creighton Elementary School in Phoenix that parents were meeting at the school out of concern about the meth labs in the neighborhood. Wives of some of the meth cooks infiltrated their meetings, found where they lived and called them and came to their homes and threatened their lives and those of their children. The parent group disbanded in an attempt to protect their children.

Another story is told from there of a young girl going over to the house of a friend for a sleep-over. In the middle of the night she got up to get a drink, went to the refrigerator and took out a bottle of Gatorade, drank from it and got sick. She had to be taken to the hospital because the bottle had been used for chemicals in the meth cooking process and and these toxins made her ill.

Some facts:

- There is a meth related seizure (either the bust of a meth lab, or the seizure of individuals with all the ingredients to start a lab) every three days in Arizona.
- The U.S. Surgeon General says that Arizona leads the nation in meth use in children ages 12-17.
- 362 children in Arizona have been rescued from meth labs since 2001.
- 30-35% of meth labs have children present.
- Over 60% of child abuse and neglect cases involve meth usage.
- Tucson estimates that 60% of all crimes are due to meth. Robberies and burglaries and domestic violence all show substantial (62-75%) increases in rates of being due to meth use.
- Amphetamines were the fifth most frequent drug in abuse-related ED visits in Phoenix in 2002

- In 2002, the rate of amphetamine-related ED visits stood at more than 6 times the national rate (8 per 100,000)
- The Phoenix area rated #1 among 21 Metropolitan Areas in the country in the rate of Amphetamine visits per 100,000 (49) in 2002.
- Each pound of meth produced creates an estimated 5-7 pounds of toxic waste, and much of this goes down drains and gets into our water table.
- It cost the State of Arizona \$4 million in last four years in lab clean up costs.
- 60% of children in CPS in Pima County are from meth houses, and that may actually be higher due to the way data is gathered.
- When Oklahoma established it law, the incidence of meth labs decreased by over 80%.
- When Iowa tried the Arizona (Leff bill) version excluding gel caps and liquids, they found out that this was not effective. So when the law was changed to include combination tablets and gel caps and liquids (medications in which pseudoephedrine was not the only active ingredient, which is the case in the Leff bill), there experienced a 79% drop in meth labs over what had been the case previously with the less restrictive version.
- This change in Iowa led to a reduction from 249 meth lab busts in June-Aug. 2004 to 52 busts in June-Aug. 2005 after getting more restrictive.
- Cottonwood led the way in Arizona in establishing the Oklahoma version. Camp Verde has followed, as has Phoenix, Pinetop/Lakeside. Other cities are considering this in November, including Apache Junction. Scottsdale has it on your City Council agenda for Nov. 15.

Objections:

It is a threat to ID safety:

While the safety of our identity is extremely important; we know that is our state which leads the country in identity theft. But the Arizona AG's Office has a letter from the AG of Oklahoma stating that they have not had one single case of ID theft due to the reporting requirement (entering information in logs kept at pharmacies).

We have to give up our privacy:

What is actually required:

Presentation of photo ID. This is so that the person purchasing the medication is a match to the one giving ID. The only things recorded are the person's name, address, Date of Birth, and the amount they are purchasing. 9 grams in 30 days is what is present in ordinances already passed and proposed (not the 9 grams per purchase allowed in the new state law [Leff bill version]).

We should not have to give this information:

Similar logs are already kept by Arizona pharmacies for other situation, such as recording sales of psychotropic drugs. Uncontrolled access in the marketplace to these drugs is recognized as being dangerous to society.



We propose that this epidemic is also dangerous to our society for many reasons already stated, and others, and so also should be controlled for the safety of all. Small sacrifices made by some make for the safety of all.

This one action will not stop the usage of meth. But it is one very effective step that can be taken. We propose that this happen, for sake of our children and families and for public safety.

East Valley Interfaith calls for the passage of Ordinance No. 3647 in its full form, which is similar to the Phoenix and Cottonwood ordinances and similar to the O'Halleran bill introduced in the Arizona Legislature in 2005.

We applaud Scottsdale for its leadership in protecting its citizens and, through this action, asking the Legislature to stand up to its responsibility to do the same.

Sources:

- Office of the Attorney General of the State of Arizona
- "The Meth Epidemic in America," two surveys published by the National Association of Counties, July 2005
- Office of the Attorney General of Oklahoma
- Marvin Van Haaften, Director of the Office of Drug Control Policy for the Governor of Iowa
- The Dawn Report (Drug Awareness Warning Network), April 2004

Richard H. "Dick" White  
Director of Office of Social Justice and Outreach Ministries  
St. Patrick Catholic Community  
10815 N. 84<sup>th</sup> St.  
Scottsdale, Az. 85260  
480-510-9071  
Co-Chair/East Valley Interfaith

-----Original Message-----

**From:** Frank Napp [mailto:fnapp@earthlink.net]

**Sent:** Wednesday, November 02, 2005 2:49 PM

**To:** Brent Stockwell

**Cc:** Rhwhite123@aol.com

**Subject:** Re:Ordinance No.3647

Dear Mr.Stockwell,

My name is Marlene M. Napp/St.Patrick's Catholic Community and East Valley Interfaith. Home address is 8651 E.Royal Palm Rd. #128, Scottsdale AZ 85258.

I am supporting the above ordinance in the hope that it will drive the Meth labs out of Scottsdale. This of course should be statewide with an appropriate bill against the sale of pseudoephedrine. Doing this piecemeal is not the best way to handle the problem BUT it is better than doing nothing to stop this horrible menace to our community.

It will not be a hardship to sign a log. It should not be a problem with the amount of cold medicine one may purchase monthly. The only reason might be if you have 12 children and they all catch a cold on the same day. We have proof that a hard crackdown on pseudoephedrine sales results in good endings.Oklahoma and Iowa have good records in cleaning up Meth lab arrests and not having to send first responders into be exposed to the toxins that the Meth labs cause. The children exposed to this garbage who become charges of the State, would not have the health problems that are being discovered with each lab shut down.

It is time we cared for the innocent victims of this terrible plague and stopped supporting drug dealers of death. I ask the Mayor and the Council to please listen to the people on this matter and to remember we elected all of you and we can take our votes away. Thank you.

Marlene M. Napp  
480-905-9046

# Example of Cold Medicines Needed for Typical PSE Extraction To Make One Gram of Methamphetamine

Product Type	Yield				
	1 gram of Meth = X number of Cough, Cold Product				
	Time Required PSE Extraction (Hours)	Number of Tablets	Amount of PSE/Tablets (mg)	Number of Packages  1 pkg. = total 3 gms of PSE	Estimated Retail Price
Single Entity – Solid					
Single Entity PSE Tablets	4 – 5	46	30 mg	1 pkg @ 48 ct	\$7.40
Single Entity PSE Tablets Time Release	10 – 12	>110	120 mg	11 pkg @ 10 ct	\$61.84
Combination – Solid					
Combination of PSE w/ Ibuprofen & Chlorpheniramine	10 –12	>450	30 mg	45 pkg @ 10 ct	\$185.40
Combination of PSE w/Acetaminophen (APAP)	5 – 6	53	30 mg	3 pkg @ 20 ct	\$17.70
Combination of PSE w/ Ibuprofen (IB)	5 – 6	55	30 mg	3 pkg @ 20 ct	\$15.00
Extended Release PSE with Loratadine	10 – 12	>110	120 mg	7 pkg @ 16 ct	\$62.07
Combination Liquid/Syrup					
Liquid Filled Capsules – PSE + 1 Active Ingredient (IB)	10 – 12	>450	30 mg	28 pkg @ 16 ct	\$141.99
Liquid – PSE + 2 Active Ingredients (Guaifenesin, Dextromethorphan)	4 - 5	18.3 oz	30 mg/10ml	4.5 btl @ 4 oz	\$26.89
Liquid – PSE + 3 Active Ingredients (Dex., APAP, Pyrilamine)	4-5	60 oz.	30 mg/15 ml	10 btl @ 6 oz.	\$72.60

Uses Liquid-Liquid method of extraction with Water and Toluene – a simple and widely used PSE extraction method

Chart shows typical number of tablets to yield 1 gram of methamphetamine. This assumes 80% yield of meth from the crude PSE that was extracted.

Chart shows time required to extract PSE – additional steps and time would be required to convert the PSE into methamphetamine

Number of steps in the extraction process is the same for each product, but the total time to extraction varies by product

The quality of pseudoephedrine recovered was crude and contained other impurities from the OTC product like polymers and other active ingredients (i.e. ibuprofen, dextromethorphan) in the combo. Additional steps would be required to make the PSE more pure and could reduce the amount of PSE recovered.

Products with "greater than" sign are OTCs that were we unable to extract PSE. We suspect that with additional steps some PSE could be extracted and estimate 10% recovery of PSE.

Final  
3/21/2005

Section 13-3404.01, Arizona Revised Statutes, is amended to read:

13-3404.01. Possession or sale of precursor chemicals, regulated chemicals, substances or equipment; exceptions; classification

A. A person shall not do any of the following:

1. Knowingly possess a precursor chemical II.

2. Knowingly possess ~~or purchase~~ more than twenty-four grams of pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine without a license or permit issued pursuant to title 32, chapter 18.

3. KNOWINGLY PURCHASE MORE THAN NINE GRAMS OF PSEUDOEPHEDRINE, (-)-NORPSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE WITHOUT A VALID PRESCRIPTION ORDER AS DEFINED IN SECTION 32-1901 OR A LICENSE OR PERMIT ISSUED PURSUANT TO TITLE 32, CHAPTER 18.

~~3-~~ 4. Knowingly possess or purchase any ephedrine that is uncombined or is the sole active ingredient of a product or more than ~~twenty-four~~ NINE grams of ephedrine that is combined with another active ingredient in any ephedrine product without a license or permit issued pursuant to title 32, chapter 18.

~~4-~~ 5. Sell, transfer or otherwise furnish any precursor chemical, regulated chemical or other substance or equipment with knowledge that the recipient will use the precursor chemical, regulated chemical, substance or equipment to unlawfully manufacture a dangerous drug or narcotic drug.

~~5-~~ 6. As a manufacturer, wholesaler or retailer, knowingly possess any precursor chemical or regulated chemical from which the label, the national drug control number or the manufacturer's lot number has been removed, altered or obliterated, except that a licensed manufacturer may relabel products as permitted under the federal act.

~~6-~~ 7. Knowingly sell, transfer or otherwise furnish more than ~~twenty-four~~ NINE grams of any precursor chemical without a license or permit issued pursuant to title 32, chapter 18.

~~7-~~ 8. Sell, transfer or furnish ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine in a total amount of more than ~~twenty-four~~ NINE grams in a single transaction in this state unless the recipient possesses a valid and current permit issued by the board pursuant to title 32, chapter 18.

~~8-~~ 9. Sell, transfer or otherwise furnish a precursor chemical in violation of any rule of the board or the department of public safety.

~~9-~~ 10. As a wholesaler or retailer, purchase or otherwise acquire or receive a precursor chemical from any person who does not possess a valid and current permit issued pursuant to title 32, chapter 18.

~~10-~~ 11. Knowingly participate in any transaction or series of transactions that is structured by any person with the intent to avoid or circumvent the prohibitions or limits on sales established by this section.

12. KNOWINGLY TAMPER WITH EQUIPMENT THAT IS MANUFACTURED AND USED TO HOLD, APPLY OR TRANSPORT ANHYDROUS AMMONIA WITHOUT THE EXPRESS CONSENT OF THE OWNER OF THE EQUIPMENT.

13. KNOWINGLY POSSESS, TRANSPORT, TRANSFER OR MAINTAIN CONDENSED AMMONIA IN A CONTAINER OR RECEPTACLE THAT IS NOT DESIGNED AND MANUFACTURED TO HOLD ANHYDROUS AMMONIA AS SPECIFIED BY 49 CODE OF FEDERAL REGULATIONS PART 173.

14. KNOWINGLY POSSESS OR TRANSPORT A REGULATED CHEMICAL UNLESS ANY OF THE FOLLOWING APPLIES:

(a) THE PERSON IS CONDUCTING A LICENSED BUSINESS THAT INVOLVES THE REGULATED CHEMICAL.

(b) THE SUBSTANCE IS FOR A CHEMISTRY OR CHEMISTRY-RELATED LABORATORY THAT IS MAINTAINED BY A PUBLIC OR PRIVATE REGULARLY ESTABLISHED SECONDARY SCHOOL OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION THAT IS ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

(c) THE PERSON IS A RETAIL DISTRIBUTOR, WHOLESALER, MANUFACTURER, WAREHOUSEMAN OR COMMON CARRIER, OR AN AGENT OF ANY OF THESE PERSONS, WHO POSSESSES THE REGULATED CHEMICAL IN THE REGULAR COURSE OF LAWFUL BUSINESS ACTIVITIES.

(d) THE SUBSTANCE IS PART OF A COMMERCIALY PRODUCED PRODUCT.

(e) THE REGULATED CHEMICAL IS TO BE USED IN THE REGULAR COURSE OF A LAWFUL AGRICULTURAL OPERATION AS DEFINED IN SECTION 3-111 OR ANIMAL HUSBANDRY ACTIVITY.

(f) THE PERSON HAS DOCUMENTATION SHOWING THAT THE REGULATED CHEMICAL WAS OBTAINED LEGALLY THROUGH THE REQUIREMENTS OF THIS CHAPTER.

B. A retailer shall not knowingly sell, transfer or otherwise furnish a precursor chemical unless:

1. The transaction occurs in the normal course of business at premises that are permitted pursuant to title 32, chapter 18.
2. The retailer has a valid and current permit that is issued pursuant to title 32, chapter 18 and that is prominently displayed at the premises where the transaction occurs.
- ~~3. The transaction does not involve payment in cash or money orders in an amount of more than five hundred dollars.~~

C. A retailer shall not sell more than a total of ~~twenty-four~~ NINE grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine in a single transaction.

D. A wholesaler shall not sell, transfer or otherwise furnish a precursor chemical to any person unless:

1. The wholesaler has a valid and current permit issued pursuant to title 32, chapter 18.
2. The recipient has a permit issued pursuant to title 32, chapter 18, is a pharmacy or is a practitioner.
3. The transaction does not involve payment in cash or money orders in an amount of more than one thousand dollars.

E. A manufacturer shall not sell, transfer or otherwise furnish a precursor chemical to any person unless:

1. The recipient is licensed or has a permit issued pursuant to title 32, chapter 18, is a pharmacy or is a practitioner.
2. The transaction does not involve payment in cash or money orders in an amount of more than one thousand dollars.

F. This section does not apply to any of the following:

1. The transfer by a licensee or permittee to a reclamation facility for destruction.
2. The movement from one facility of a licensee or permittee to another facility of the same licensee or permittee without sale.

G. Notwithstanding any other law, a county, city or town shall not enact an ordinance that is more restrictive than the requirements of this section.

H. A violation of subsection A, paragraph 1 or 4-5 OF THIS SECTION is a class 2 felony. A violation of subsection A, paragraph 2, 3, ~~5, 7, 9 or 10~~ 4, 6, 8, 10, 11, 12 OR 13 OF THIS SECTION is a class 5 felony. A violation of subsection A, paragraph ~~6 or 8~~ 7, 9 OR 14 OF THIS SECTION is a class 6 felony. A violation of subsection B, D or E OF THIS SECTION is a class 5 felony. A violation of subsection C OF THIS SECTION is a class 5 felony, except that if the violation involves less than a total of fifty grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine, the first violation is a class 2 misdemeanor and the second violation is a class 1 misdemeanor. An enterprise is not criminally accountable for a violation of subsection C OF THIS SECTION unless the conduct constituting the offense is engaged in, authorized, commanded or recklessly tolerated by the directors of the enterprise in any manner or by a high managerial agent acting within the scope of employment.

Section 32-1904, Arizona Revised Statutes, is amended to read:

32-1904. Powers and duties of board; immunity

A. The board shall:

1. Make bylaws and adopt rules that are necessary for the protection of the public and that pertain to the practice of pharmacy, the manufacturing, wholesaling or supplying of drugs, devices, poisons or hazardous substances, the use of pharmacy technicians and support personnel and the lawful performance of its duties.
2. Fix standards and requirements for the registration and reregistration of pharmacies, except as otherwise specified.
3. Investigate compliance as to the quality, label and labeling of all drugs, devices, poisons or hazardous substances and take action necessary to prevent the sale of these if they do not conform to the standards prescribed in this chapter, the official compendium or the federal act.
4. Enforce its rules. In so doing, the board or its agents have free access at all reasonable hours to any pharmacy, manufacturer, wholesaler, nonprescription drug permittee or other establishment in which drugs, devices, poisons or hazardous substances are manufactured, processed, packed or held, or to enter any vehicle being used to transport or hold such drugs, devices, poisons or hazardous substances for the purpose:
  - (a) Of inspecting the establishment or vehicle to determine if ~~any of the provisions of this chapter or the federal act are IS~~ being violated.
  - (b) Of securing samples or specimens of any drug, device, poison or hazardous substance after paying or offering to pay for such sample.
  - (c) Of detaining or embargoing a drug, device, poison or hazardous substance in accordance with section 32-1994.
5. Examine and license as pharmacists and pharmacy interns all qualified applicants as provided by this chapter.
6. Issue duplicates of lost or destroyed permits on the payment of a fee as prescribed by the board.
7. Adopt rules for the rehabilitation of pharmacists and pharmacy interns as provided by this chapter.
8. At least once every three months notify pharmacies regulated pursuant to this chapter of any modifications on prescription writing privileges of podiatrists, dentists, doctors of medicine, registered nurse practitioners, osteopathic physicians, veterinarians, physician assistants, optometrists and homeopathic physicians of which it receives notification from the board of podiatry examiners, board of dental examiners, Arizona medical board, board of nursing, board of osteopathic examiners in

medicine and surgery, veterinary medical examining board, ARIZONA regulatory board of physician assistants, board of optometry or board of homeopathic medical examiners.

B. The board may:

1. Employ chemists, compliance officers, clerical help and other employees and provide laboratory facilities for the proper conduct of its business.
2. Provide, by education of and information to the licensees and to the public, assistance in the curtailment of abuse in the use of drugs, devices, poisons and hazardous substances.
3. Approve or reject the manner of storage and security of drugs, devices, poisons and hazardous substances.
4. Accept monies and services to assist in the enforcement of ~~the provisions of this chapter from other~~ than licensees:
  - (a) For performing inspections and other board functions.
  - (b) For the cost of copies of the pharmacy and controlled substances laws, the annual report of the board, ~~and other information from the board.~~
5. Adopt rules for professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession of pharmacy.
6. Grant permission to deviate from a state requirement for experimentation and technological advances.
7. Adopt rules for the training and practice of pharmacy interns, pharmacy technicians and support personnel.
8. Investigate alleged violations of this chapter, conduct hearings in respect to violations, subpoena witnesses and take such action as it deems necessary to revoke or suspend a license or a permit, place a licensee or permittee on probation or warn a licensee or permittee under this chapter or to bring notice of violations to the county attorney of the county in which a violation took place or to the attorney general.
9. By rule approve colleges or schools of pharmacy.
10. By rule approve programs of practical experience, clinical programs, internship training programs, programs of remedial academic work and preliminary equivalency examinations as provided by this chapter.
11. Assist in the continuing education of pharmacists and pharmacy interns.
12. Issue inactive status licenses as provided by this chapter.
13. Accept monies and services from the federal government or others for educational, research or other purposes pertaining to the enforcement of this chapter.
14. By rule except from the application of all or any part of this chapter any material, compound, mixture or preparation containing any stimulant or depressant substance included in section 13-3401, paragraph 6, subdivision (b) or (c) from the definition of dangerous drug if the material, compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, provided that such admixtures are included in such combinations, quantity, proportion or concentration as to vitiate the potential for abuse of the substances that do have a stimulant or depressant effect on the central nervous system.
15. Adopt rules for the revocation, suspension or reinstatement of licenses or permits or the probation of licensees or permittees as provided by this chapter.

16. BY RULE, EXEMPT OTHER PRODUCTS FROM SCHEDULE V UNDER SECTION 36-2516 THAT THE BOARD FINDS ARE NOT USED IN THE ILLEGAL MANUFACTURE OF METHAMPHETAMINE OR OTHER CONTROLLED DANGEROUS SUBSTANCES. A MANUFACTURER OF A DRUG PRODUCT MAY APPLY FOR REMOVAL OF THE PRODUCT FROM SCHEDULE V IF THE PRODUCT IS DETERMINED BY THE BOARD TO HAVE BEEN FORMULATED IN SUCH A WAY AS TO EFFECTIVELY PREVENT THE CONVERSION OF THE ACTIVE INGREDIENT INTO METHAMPHETAMINE.

C. The executive director and other permanent or temporary personnel or agents of the board are not subject to civil liability for any act done or proceeding undertaken or performed in good faith and in furtherance of the purposes of this chapter.

Title 32, chapter 18, article 3, Arizona Revised Statutes, is amended by adding section 32-1971, to read:

32-1971. Pseudoephedrine sales; penalties

A. ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, OR ITS SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS, MAY ONLY BE DISPENSED, SOLD OR DISTRIBUTED BY A PHARMACIST OR OTHER INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS CHAPTER. THIS SUBSECTION DOES NOT APPLY TO LIQUID, LIQUID CAPSULE OR GEL CAPSULE FORMS OF THESE PRODUCTS.

B. A PHARMACIST OR OTHER INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS CHAPTER SHALL NOT DISPENSE, SELL OR DISTRIBUTE TO A PERSON MORE THAN NINE GRAMS OF PSEUDOEPHEDRINE, OR ITS SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS, WITHIN A THIRTY DAY PERIOD. THIS SUBSECTION DOES NOT APPLY TO ANY QUANTITY THAT IS DISPENSED PURSUANT TO A VALID PRESCRIPTION ORDER.

C. AT THE TIME OF MAKING A PURCHASE, A PERSON WHO PURCHASES PSEUDOEPHEDRINE, OR ITS SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS, SHALL PROVIDE ACCEPTABLE PHOTO IDENTIFICATION THAT INCLUDES THE PERSON'S DATE OF BIRTH TO THE PHARMACIST OR OTHER INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS CHAPTER. FOR THE PURPOSES OF THIS SUBSECTION, ACCEPTABLE PHOTO IDENTIFICATION MEANS:

1. A DRIVER LICENSE OR OTHER STATE ISSUED IDENTIFICATION.
2. A PASSPORT.
3. A TRIBAL IDENTIFICATION CARD.
4. PROPER MILITARY IDENTIFICATION.

D. A PHARMACIST OR OTHER INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS CHAPTER SHALL REQUIRE A PURCHASER TO SIGN A WRITTEN LOG THAT SHOWS THE DATE OF THE TRANSACTION, THE NAME AND BIRTH DATE OF THE PURCHASER AND THE AMOUNT OF THE COMPOUND, MIXTURE OR PREPARATION PURCHASED. THE LOG SHALL BE MAINTAINED IN A MANNER THAT DOES NOT DISCLOSE THE IDENTITY OF THE PURCHASER TO ANY OTHER PERSON EXCEPT A PHARMACIST OR OTHER INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS CHAPTER OR LAW ENFORCEMENT. A PHARMACIST OR OTHER INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS CHAPTER AND WHO FAILS TO MAINTAIN THE WRITTEN LOG AS REQUIRED BY THIS SUBSECTION IS SUBJECT TO A PENALTY AS FOLLOWS:

1. FOR A FIRST VIOLATION, A WRITTEN WARNING.
2. FOR A SECOND VIOLATION, FIFTY DOLLARS.



3. FOR A THIRD VIOLATION, ONE HUNDRED FIFTY DOLLARS.

4. FOR A FOURTH VIOLATION, THREE HUNDRED DOLLARS.

5. FOR A FIFTH VIOLATION, FIVE HUNDRED DOLLARS.

E. A PERSON WHO OFFERS OR PRESENTS, WHETHER ACCEPTED OR NOT, A FORGED INSTRUMENT OR AN INSTRUMENT THAT CONTAINS FALSE INFORMATION FOR USE AS IDENTIFICATION DURING THE COURSE OF A TRANSACTION FOR THE PURCHASE OF PSEUDOEPHEDRINE PRODUCTS IN EXCESS OF THE LEGAL LIMIT MAY BE PROSECUTED PURSUANT TO SECTION 13-2002, SUBSECTION A, PARAGRAPH 3. IN ANY PROSECUTION PURSUANT TO SECTION 13-2002, SUBSECTION A, PARAGRAPH 3, THE KNOWING PRESENTATION OF A FORGED INSTRUMENT OR AN INSTRUMENT THAT CONTAINS FALSE INFORMATION DURING THE COURSE OF A TRANSACTION FOR THE PURCHASE OF PSEUDOEPHEDRINE PRODUCTS IN EXCESS OF THE LEGAL LIMIT MAY GIVE RISE TO AN INFERENCE THAT THE INSTRUMENT WAS OFFERED OR PRESENTED WITH THE INTENT TO DEFRAUD.

Section 36-2516, Arizona Revised Statutes, is amended to read:

36-2516. Substances in schedule V

The following controlled substances or controlled substance precursors are included in schedule V:

1. Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, calculated as the free anhydrous base or alkaloid, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two hundred milligrams of codeine, or any of its salts, per one hundred milliliters or per one hundred grams.

(b) Not more than one hundred milligrams of dihydrocodeine, or any of its salts, per one hundred milliliters or per one hundred grams.

(c) Not more than one hundred milligrams of ethylmorphine, or any of its salts, per one hundred milliliters or per one hundred grams.

(d) Not more than 2.5 milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit.

(e) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams.

(f) Not more than 0.5 milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

2. Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation containing pyrovalerone.

3. Any compound or preparation containing the single active ingredient ephedrine or any of its salts.

4. ANY COMPOUND, MIXTURE OR PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, OR ITS SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS, EXCEPT FOR ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, OR ITS SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS, IN LIQUID, LIQUID CAPSULE OR GEL CAPSULE FORM.

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## CITY COUNCIL REPORT

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TO: Peter Van Haren  
Deputy City Manager

FROM: Kerry G. Wangberg  
City Prosecutor

SUBJECT: CRYSTAL METH TASK FORCE RECOMMENDATION

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The purpose of this report is to present a proposal from the Crystal Meth Task Force for two ordinances relating to the regulation of pseudoephedrine sales.

### THE ISSUE

In the last session of the State Legislature, the Attorney General proposed comprehensive methamphetamine legislation including new restrictions on the availability of products containing pseudoephedrine and the manner in which they are sold. Pseudoephedrine is a prime ingredient used in the manufacture of crystal meth and is found in many over-the-counter cold and allergy medications. The proposed restrictions were based on an Oklahoma model that has proven to be dramatically effective in reducing the number of "meth labs."

Key provisions in the Attorney General's proposal did not survive the legislative process. As a result, Councilmen Siebert and Simplot established the Crystal Meth Task Force to look for options available to the City to help reduce the devastating impact of this drug and its illicit manufacture. The Task Force included the Attorney General, Representative Martha Garcia, first responders represented by police and fire personnel, DEA agents, social services providers, representatives from the Adult Probation Office, the State Department of Health Services and various community organizations.

The Task Force recognized that the devastating impacts of the use, sale and manufacture of methamphetamines are far reaching and could more effectively be addressed on a statewide level. The City's options are limited, but it is hoped that the proposed ordinances (copies attached) relating to pseudoephedrine availability can, with concerted efforts of neighboring communities, have at least a regional impact on "crystal meth" production. The presence of meth labs in the community is perhaps the most dangerous aspect of the methamphetamine problem.

## OTHER INFORMATION

The proposed ordinances address two aspects of crystal meth production: the availability of pseudoephedrine products, and identifying potential crystal meth manufacturers.

The first ordinance requires that all products containing any pseudoephedrine not be accessible to retail customers (or shoplifters) on the open shelves. The recently passed state law only restricts access to those products with pseudoephedrine as the only active ingredient. There is a wide array of other products on the market with equally usable quantities of pseudoephedrine along with other active ingredients. In addition to criminal penalties for violation, the ordinance includes a provision to forfeit wrongfully displayed products. The ordinance would require the police on a first violation to give retailers an opportunity to remedy the violation before a seizure.

The second ordinance mandates that retailers require photo identification from purchasers of pseudoephedrine products and record their names, dates of birth, address and quantity of purchase. This information must then be reported to the police on a monthly basis. The ordinance allows electronic reporting to the police if the means become available.

Both of the proposed ordinances have ninety day delayed effective dates to give retailers an opportunity to make the necessary changes to comply with the new requirements.

## RECOMMENDATION

The Crystal Meth Task Force unanimously recommends that the City Council adopt the proposed two ordinances.

ORDINANCE G-4738

AN ORDINANCE RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE; REGULATING THE MANNER OF SALE; PROVIDING FOR THE SEIZURE AND FORFEITURE OF IMPROPERLY DISPLAYED PRODUCTS; AMENDING CHAPTER 23, ARTICLE III, PHOENIX CITY CODE, BY ADDING SECTION 23-51.2.

WHEREAS, the illicit manufacture of methamphetamine (meth labs) is a serious and continuing problem in this City; and

WHEREAS, due to the flammable and toxic nature of the chemicals used in methamphetamine production, fires, explosions and hazardous materials contamination are common occurrences associated with meth labs; and

WHEREAS, meth labs are found in houses, apartments, hotel and motel rooms, trailers, in both residential and commercial areas, exposing law enforcement personnel, other first responders, the children of the persons operating the meth labs and any other persons in physical proximity to extremely dangerous conditions; and

WHEREAS, ephedrine or pseudoephedrine is a key ingredient in methamphetamine production, and is found in several over-the-counter cold and allergy medications, these over-the-counter medications, by purchase or theft,

being the prime source of ephedrine or pseudoephedrine in methamphetamine production, and

WHEREAS, recently enacted state legislation only restricts access to products containing ephedrine or pseudoephedrine as the only active ingredient; and

WHEREAS, the extraction of ephedrine or pseudoephedrine from these over-the-counter products is not materially different or more difficult in products containing ephedrine or pseudoephedrine with other active ingredients as from products containing ephedrine or pseudoephedrine as the only active ingredient; and

WHEREAS, the unrestricted access to products containing ephedrine or pseudoephedrine in retail commercial establishments is a nuisance that endangers the public health, safety, and welfare; and

WHEREAS, other jurisdictions in the country have found that the restriction of open access to these products and requiring identification of buyers has substantially reduced the number of meth labs discovered in those jurisdictions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. Chapter 23, Article III, Phoenix City Code, is amended by adding section 23-51.2 to read:

SEC. 23-51.2 SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE.

A. THE OPERATOR OF A RETAIL COMMERCIAL ESTABLISHMENT SHALL KEEP ALL PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE BEHIND A STORE COUNTER OR OTHERWISE IN A MANNER THAT IS INACCESSIBLE TO CUSTOMERS WITHOUT THE ASSISTANCE OF THE OPERATOR OR AN EMPLOYEE OF THE ESTABLISHMENT.

B. FOR PURPOSES OF THIS ARTICLE, A PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE INCLUDES ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF EPHEDRINE OR PSEUDOEPHEDRINE OR ITS SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS. PRODUCT PACKAGING THAT LISTS EPHEDRINE OR PSEUDOEPHEDRINE AS AN ACTIVE INGREDIENT SHALL CONSTITUTE *PRIMA FACIE* EVIDENCE THAT IT IS A PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE.

C. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

D. ANY PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE FOUND TO BE DISPLAYED IN A RETAIL COMMERCIAL ESTABLISHMENT IN VIOLATION OF SUBSECTION A CONSTITUTES A NUISANCE AND IS SUBJECT TO FORFEITURE TO THE CITY. ANY PRODUCTS FORFEITED UNDER THIS SECTION SHALL BE DESTROYED.

E. PRODUCTS SUBJECT TO FORFEITURE UNDER THIS SECTION MAY BE SEIZED BY A PEACE OFFICER ON PROCESS ISSUED PURSUANT TO TITLE 13, ARIZONA REVISED STATUTES, INCLUDING A SEARCH WARRANT, OR UPON PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS SUBJECT TO FORFEITURE. BEFORE REMOVING ANY PRODUCTS SUBJECT TO SEIZURE FROM THE RETAIL COMMERCIAL ESTABLISHMENT, THE PEACE OFFICER SHALL GIVE THE OPERATOR OF THE ESTABLISHMENT A REASONABLE OPPORTUNITY TO IMMEDIATELY REMOVE THE PRODUCTS FROM THE AREA OF THE ESTABLISHMENT ACCESSIBLE TO THE PUBLIC, UNLESS THE ESTABLISHMENT HAS BEEN AFFORDED THIS OPPORTUNITY TO AVOID A SEIZURE ON A PREVIOUS OCCASION.

F. AT THE TIME OF SEIZING ANY PRODUCTS UNDER THIS SECTION, THE PEACE OFFICER SHALL DELIVER A NOTICE OF INTENT TO FORFEIT THE SEIZED PRODUCTS. THE NOTICE SHALL INCLUDE THE DATE AND LOCATION OF THE SEIZURE, AN INVENTORY OF THE ITEMS SEIZED, A DESCRIPTION OF HOW A POST-SEIZURE HEARING MAY BE REQUESTED, THE TIME LIMIT FOR REQUESTING A HEARING, AND A WARNING THAT FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN THE FORFEITURE AND DESTRUCTION OF THE SEIZED PROPERTY. THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SERVED ON THE OPERATOR OR MANAGER OF THE RETAIL COMMERCIAL ESTABLISHMENT PRESENT AT THE TIME OF THE SEIZURE, OR IF THE

PEACE OFFICER CANNOT IDENTIFY AN OPERATOR OR MANAGER AFTER REASONABLE EFFORTS, TO ANY EMPLOYEE OR WORKER PRESENT.

G. A PARTY RECEIVING A NOTICE OF INTENT TO FORFEIT UNDER THIS SECTION MAY REQUEST A POST SEIZURE HEARING TO DETERMINE THE VALIDITY OF THE FORFEITURE WITHIN FIFTEEN DAYS OF RECEIVING THE NOTICE. THE COURT SHALL CONDUCT THE HEARING WITHIN FORTY-EIGHT HOURS OF THE COURT'S RECEIPT OF THE REQUEST, EXCLUDING WEEKENDS AND CITY HOLIDAYS. FAILURE TO TIMELY REQUEST OR TO ATTEND A SCHEDULED HEARING CONSTITUTES A WAIVER OF THE RIGHT TO CHALLENGE THE VALIDITY OF THE FORFEITURE. AT THE HEARING, THE CITY SHALL HAVE THE BURDEN OF ESTABLISHING BY A PREPONDERANCE OF THE EVIDENCE THAT THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE. THE HEARING SHALL BE INFORMAL AND OPEN TO THE PUBLIC. THE COURT MAY ADMIT ANY RELIABLE RELEVANT EVIDENCE TO DETERMINE IF THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE. IF AFTER THE HEARING, THE COURT FINDS THE SEIZED PRODUCTS ARE NOT SUBJECT TO FORFEITURE, IT SHALL ORDER THE IMMEDIATE RETURN OF ALL SEIZED ITEMS, EXCEPT THAT, UPON REQUEST OF THE PROSECUTOR, A REASONABLY REPRESENTATIVE SAMPLE OF THE SEIZED PRODUCTS MAY BE RETAINED AS EVIDENCE FOR A CRIMINAL PROSECUTION UNDER THIS SECTION. IF THE COURT FINDS THE SEIZED PRODUCTS ARE



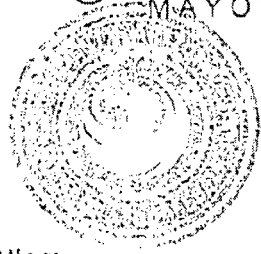
SUBJECT TO FORFEITURE, IT SHALL ORDER THEM FORFEITED TO THE CITY.

SECTION 2. Delayed effective date.

The provisions of this ordinance shall take effect ninety days after passage.

PASSED by the Council of the City of Phoenix this 7th day of September, 2005.

  
MAYOR



ATTEST:

Vicky Miel City Clerk

APPROVED AS TO FORM:

William Beck Acting City Attorney

REVIEWED BY:

Jon J. [Signature] Acting City Manager

PWB:tkx/185628  
Item 48.2; 9/7/05 Agenda

CITY CLERK DEPT.  
2005 SEP - 7 PM 1:35

ORDINANCE G-4737

AN ORDINANCE RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE; REGULATING THE MANNER OF SALE; REQUIRING IDENTIFICATION OF PURCHASERS; REQUIRING THAT PURCHASES BE REPORTED TO THE CHIEF OF POLICE, AMENDING CHAPTER 23, ARTICLE III, PHOENIX CITY CODE, BY ADDING SECTION 23-51.3.

BE IT ORDAINED by the Council of the City of Phoenix as follows:

SECTION 1. Chapter 23, Article III, Phoenix City Code, is amended by adding section 23-51.3 to read:

SEC. 23-51.3 REPORTING SALES OF EPHEDRINE OR PSEUDOEPHEDRINE PRODUCTS.

A. A PERSON MAKING A RETAIL SALE OF A PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE SHALL REQUIRE ACCEPTABLE PHOTO IDENTIFICATION FROM THE PURCHASER AND SHALL RECORD THE PURCHASER'S NAME, DATE OF BIRTH, ADDRESS, AND QUANTITY OF EPHEDRINE OR PSEUDOEPHEDRINE PRODUCT PURCHASED. FOR PURPOSE OF THIS SUBSECTION, ACCEPTABLE PHOTO IDENTIFICATION MEANS ANY OF THE FOLLOWING:

1. CURRENT DRIVERS LICENSE OR PICTURE IDENTIFICATION CARD ISSUED BY THIS OR ANY OTHER STATE;

2. A CURRENT PASSPORT;

3. A CURRENT TRIBAL IDENTIFICATION CARD; OR

4. A CURRENT MILITARY IDENTIFICATION CARD.

B. BY THE TENTH DAY OF EACH MONTH, THE SELLER OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE SHALL REPORT TO THE CHIEF OF POLICE THE INFORMATION REQUIRED TO BE OBTAINED BY SUBSECTION A FOR THE SALES OCCURRING THE PREVIOUS MONTH. THE REPORT SHALL BE IN WRITING OR ELECTRONICALLY SENT IN A MANNER SPECIFIED BY THE CHIEF OF POLICE.

C. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

SECTION 2. Delayed Effective Date. The provisions of this ordinance shall take effect ninety days after passage.

PASSED by the Council of the City of Phoenix this 7th day of September, 2005.



ATTEST:

Vicky Miel City Clerk

A handwritten signature in dark ink, appearing to be 'John' followed by a stylized surname.

MAYOR

CITY CLERK DEPT.  
2005 SEP - 7 PM 1:35

APPROVED AS TO FORM:

William Beck

Acting City Attorney

REVIEWED BY:

Mr. J. K. ...

**ACTING**  
City Manager

PWB:tkb/185630 *W*  
Item 48.1; Agenda 9/7/05



# MAYOR & COUNCIL COMMUNICATION

October 18, 2005

Subject: Tucson Code – Amending Chapter 11 of the Tucson Code to Regulate the Manner of Sale of Products Containing Pseudoephedrine – Ordinance Adoption (City-wide)

Page: 1 of 2

Issue – As directed by the Mayor and Council at the October 4, 2005 Study Session, the City Attorney is providing the attached ordinance for your consideration and adoption.

Recommendation – It is recommended that the Mayor and Council adopt the attached ordinance regulating the manner of sale of pseudoephedrine products.

Background and Legal Considerations – Senate Bill 1473, approved by the Governor on May 20, 2005, amended a series of Arizona statutes prohibiting the manufacture, possession and sale of meth. SB 1473 also created restrictions on retail store sales of meth precursors, namely over-the-counter cold medicines in which pseudoephedrine is the single active ingredient. These restrictions on retail sales will take effect on October 31st. Recently, certain cities, including Cottonwood and Phoenix, have adopted municipal ordinances that impose additional restrictions upon retail sales of products that contain ephedrine, pseudoephedrine, norpseudoephedrine, and phenylpropanolamine.

The City Attorney has prepared the attached ordinance for your consideration. This ordinance would amend Chapter 11 of the Tucson Code to regulate the manner of sale of products that contain any amount of pseudoephedrine, and would require all such products to be kept under restricted access. The ordinance has been revised from the draft provided to the Council at the Study Session to broaden the definition of “pseudoephedrine products” to include those products that contain any ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine. This broader definition is consistent with the range of products regulated by the other municipalities that have adopted similar ordinances in an attempt to restrict access to those product used to “cook” meth. The ordinance also provides for seizure and disposal of these products if they are improperly stored or displayed for sale. Finally, the ordinance codifies a retailer’s right to refuse a sale of the regulated products under circumstances that might cause a reasonable belief that the products will be used for unlawful purposes. As written, the provisions of the ordinance would go into effect on November 1, 2005. Prior to the Mayor and Council meeting of October 18, 2005, a notification letter was prepared for the Small Business Commission and the Chamber of Commerce with this information.

The ordinance does not affect the issue of the development of a local or regional electronic database related to the sales of these products. That issue is scheduled for further discussion by the Mayor and Council on November 22<sup>nd</sup>.

OCT18-05-574

MAYOR AND COUNCIL COMMUNICATION  
Amending Chapter 11 of the Tucson Code to Regulate the Manner of  
Sale of Products Containing Pseudoephedrine- Ordinance Adoption

Page 2 of 2

Financial Considerations – None. The Tucson Police Department will absorb any additional costs of enforcement of this ordinance within its existing budget.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Liz R. Miller", with a stylized, flowing script.

Liz R. Miller  
Assistant City Manager

LRM/MR/dc  
City Attorney's Office  
Attachment: Ordinance  
OCT18-05-574

ADOPTED BY THE  
MAYOR AND COUNCIL

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ORDINANCE NO. 10211

RELATING TO CRIMES AND OFFENSES; REGULATING THE MANNER OF SALE OF PRODUCTS CONTAINING PSEUDOEPHEDRINE; PROVIDING FOR THE SEIZURE AND DISPOSAL OF IMPROPERLY DISPLAYED PRODUCTS; AND PROVIDING FOR THE REFUSAL TO SELL PSEUDOEPHEDRINE PRODUCTS UNDER SUSPICIOUS CIRCUMSTANCES; BY AMENDING CHAPTER 11, ARTICLE II, OF THE TUCSON CODE, BY ADDING SECTIONS 11-71 THROUGH 11-72; ESTABLISHING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

The Mayor and Council make the following legislative findings:

1. The illicit manufacture of methamphetamine (meth) and the proliferation of meth labs are serious and continuing problems in this City; and
2. Due to the flammable and toxic nature of the chemicals used in meth production, fires, explosions and hazardous materials contamination are common occurrences associated with meth labs; and
3. Meth labs are found in houses, apartments, hotel and motel rooms, trailers, in both residential and commercial areas, exposing law enforcement personnel, other first responders, the children of the persons operating the meth labs and any other persons in physical proximity to extremely dangerous conditions; and
4. Pseudoephedrine, ephedrine, norpseudoephedrine and phenylpropanolamine are key ingredients in meth production and are found in many

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over-the-counter cold and allergy medications; these over-the-counter medications, by purchase or theft, being a prime source in methamphetamine production, and

5. While recently enacted state legislation (Senate Bill 1473) limits sales of pseudoephedrine, norpseudoephedrine and phenylpropanolamine to 9 grams per transaction, and requires restricted access to products containing pseudoephedrine as the only active ingredient, the legislation does not require restricted access to products that contain pseudoephedrine in combination with other active ingredients; and

6. These unrestricted over-the-counter products that contain pseudoephedrine, ephedrine, norpseudoephedrine and phenylpropanolamine in combination with other active ingredients are used in the making of meth; and

7. The unrestricted access to products containing pseudoephedrine, ephedrine, norpseudoephedrine and phenylpropanolamine in retail establishments endangers the public health, safety, and welfare and constitutes a nuisance; and

8. Other jurisdictions in the country have found that the restriction of open access to these products has substantially reduced the number of meth labs discovered in those jurisdictions;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Chapter 11 of the Tucson Code is amended to add a new Article II, **Methamphetamine**, and by adding Sections 11-71 through 11-72 to read as follows:



## ARTICLE II. METHAMPHETAMINE

### Sec. 11-71 Sale of products containing pseudoephedrine.

#### A. Definitions.

For the purposes of this Article, the following definitions apply:

1. *Pseudoephedrine product* means any product containing ephedrine or pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a pseudoephedrine product.
2. *Retail establishment* means any place of business that offers any pseudoephedrine product for sale at retail.
3. *Permittee* means any person who holds or is required to hold a license or permit to sell drugs at retail pursuant to Title 32, Chapter 18 of the Arizona Revised Statutes.

- B. The operator and the permittee of a retail establishment shall keep all pseudoephedrine products behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or an employee of the establishment.
- C. A violation of this section is a class 1 misdemeanor.
- D. Any pseudoephedrine products found to be displayed in a retail establishment in violation of subsection (B) constitute a nuisance and are subject to seizure and disposal by the City in the manner provided in subsection (E) of this section.
- E. Products subject to seizure under this section may be seized by a peace officer under the authority of a search warrant or upon probable cause to believe that the products are subject to seizure pursuant to subsection (D). Before removing any products subject to seizure from the retail establishment, the peace officer shall give the operator or permittee of the establishment a reasonable opportunity to remove the products from the area of the establishment accessible to the public, unless the operator or permittee has been afforded this opportunity on a previous occasion within the preceding twelve (12) months.

- F. At the time of seizing any products under this section, the peace officer shall deliver a notice of intent to dispose of the seized products. This notice shall include the date and location of the seizure, an inventory of the items seized, a description of how a post-seizure hearing may be requested, the time limit for requesting that hearing, and a warning that failure to request the hearing in a timely manner will result in the disposal and destruction of the seized property. The notice required under this subsection shall be served on the operator or permittee of the retail establishment present at the time of the seizure, or if that person cannot be identified at the time of the seizure, on any employee of the establishment.
- G. A person receiving a notice of intent to dispose under this section may request a post-seizure hearing to determine the validity of the seizure within fifteen (15) days of receiving the notice. The court shall conduct the hearing within ten (10) days of the court's receipt of the request, excluding weekends and holidays. Failure to request the hearing in a timely manner, or failure to attend a scheduled hearing, constitutes a waiver of the right to challenge the validity of the seizure. At the hearing, the City shall have the burden of establishing by a preponderance of the evidence that the property was subject to seizure pursuant to subsections (B) and (D) of this section. At the hearing, the court may admit any reliable and relevant evidence. If the court finds that the products were not subject to seizure, it shall order the immediate return of all seized items. If the court finds that the products were properly seized pursuant to this section, the court shall order that the products are forfeited to the City, and shall direct the City to destroy and dispose of the products.
- H. The requirements of this section are in addition to any requirements under state and federal law.

#### **Sec. 11-72 Retail establishment's right to refuse sale.**

Any operator, permittee, or employee of a retail establishment may refuse to sell any pseudoephedrine product to any person if the operator, permittee or employee has reason to believe that the product will be used in the unlawful manufacture of methamphetamine or other controlled substance. Facts that give rise to the reason to believe that the product will be used unlawfully include but are not limited to a "suspicious transaction" as defined in Section 13-3401 of the Arizona Revised Statutes; the attempted purchase of pseudoephedrine products in excess of the amounts permitted by Arizona law; the attempt to purchase pseudoephedrine products in a series of transactions in an effort to circumvent the limitations on sales; or the attempt to purchase pseudoephedrine products in conjunction with other products, such as red phosphorous or iodine, that are known to be used in manufacturing methamphetamine. Any person who refuses to make a retail sale in accordance with this section is not liable to its customer or any other person for any loss or damage caused in whole or in part by the refusal to sell.

SECTION 2. The provisions of Section 1 of this ordinance shall become effective on November 1, 2005.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:


REVIEWED BY:

  
\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY MANAGER

MR/dc  
10/12/2005 11:01 AM



To: Honorable Mayor and City Council  
From: Brent Stockwell, Assistant to Mayor/Council   
CC: Jan Dolan, City Manager; Debby Robberson, Acting City Attorney; Alan Rodbell, Police Chief; Luis Santaella, Asst. City Attorney  
Date: November 9, 2005  
Re: Item #21 - Pseudoephedrine Ordinance – November 15, 2005.

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Your Honor and Members of the City Council,

Following the citizen forums held last week on the proposed Pseudoephedrine Ordinance, Councilman Ecton has requested that an additional option be prepared for City Council consideration ("Option E").

The City Council Report, included in your packet delivery last week, listed four options:

Description of Option A: Approve Ordinance No. 3647.

Description of Option B: Approve Ordinance No. 3647 without Section 2 (without identification and reporting requirements).

Description of Option C: Direct Government Relations staff to support efforts to pursue legislation in the 2006 state legislative session regarding the sale of pseudoephedrine. Provisions may include regulating the frequency of purchase, requiring a log of purchases, requiring the products only be sold by pharmacies and regulating the sale of the chemical in any form and when it is combined with any other ingredients.

Please note, Option C could be approved with, or independent of Option A or B.

Description of Option D: Take no action on this item at this time.

**Description of Option E. Adopt Ordinance No. 3647, replacing Section 19-23, Subsection B, in Section 2 of the Ordinance, with the following language.**

**B. THE SELLER OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE SHALL MAINTAIN ON THE PREMISES THE INFORMATION REQUIRED TO BE RECORDED BY SUBSECTION A FOR A PERIOD OF NINETY DAYS FROM THE DATE OF SALE. THIS INFORMATION SHALL BE AVAILABLE FOR INSPECTION AND/OR COPYING BY THE CHIEF OF POLICE OR DESIGNEE DURING NORMAL BUSINESS HOURS.**

**This language eliminates the requirement that retailers submit reports to the Police Department on a monthly basis. Instead, reports must be maintained for inspection for a period of 90 days.**

A copy of the ordinance reflecting these changes is attached. For ease of reference, an ordinance reflecting Option B is also attached. In addition, public comments and the PowerPoint have also been attached.

Finally, a letter from Governor Janet Napolitano is attached announcing a new statewide anti-meth initiative to support community-based coalitions. Also attached to the letter is a matrix of Arizona Anti-Meth Initiatives.

Please contact me directly if you have questions or need additional information.

Attachments:

1. Ordinance No. 3647 – Option B
2. Ordinance No. 3647 – Option E
3. Public Comments from Forums held Nov. 1 and Nov. 3, 2005
4. PowerPoint Presentation
5. Letter from Governor Janet Napolitano
6. Arizona Anti-Meth Initiatives, Governor's Office for Children, Youth and Families

**OPTION B**

**WITHOUT IDENTIFICATION AND REPORTING REQUIREMENTS**

ORDINANCE NO. 3647

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY,  
ARIZONA, RELATING TO THE SALE OF PRODUCTS CONTAINING  
EPHEDRINE OR PSEUDOEPHEDRINE; REGULATING THE MANNER OF  
SALE; PROVIDING FOR THE SEIZURE AND FORFEITURE OF IMPROPERLY  
DISPLAYED PRODUCTS; ADDING SECTIONS 19-22 TO THE SCOTTSDALE  
REVISED CODE

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 19-22 Scottsdale Revised Code is added as follows:

SECTION 19-22. SALE OF PRODUCTS CONTAINING EPHEDRINE OR  
PSEUDOEPHEDRINE.

A. THE OPERATOR OF A RETAIL COMMERCIAL ESTABLISHMENT SHALL  
KEEP ALL PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE BEHIND A STORE  
COUNTER OR OTHERWISE IN A MANNER THAT IS INACCESSIBLE TO CUSTOMERS WITHOUT  
THE ASSISTANCE OF THE OPERATOR OR AN EMPLOYEE OF THE ESTABLISHMENT.

B. FOR PURPOSES OF THIS SECTION, A PRODUCT CONTAINING  
EPHEDRINE OR PSEUDOEPHEDRINE INCLUDES ANY COMPOUND, MIXTURE OR PREPARATION  
THAT CONTAINS ANY DETECTABLE QUANTITY OF EPHEDRINE OR PSEUDOEPHEDRINE OR ITS  
SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS. PRODUCT PACKAGING THAT  
LISTS EPHEDRINE OR PSEUDOEPHEDRINE AS AN ACTIVE INGREDIENT SHALL CONSTITUTE  
*PRIMA FACIE* EVIDENCE THAT IT IS A PRODUCT CONTAINING EPHEDRINE OR  
PSEUDOEPHEDRINE.

C. FOR PURPOSES OF SUBSECTION A ABOVE, OPERATOR MEANS AN  
OWNER, MANAGER, PHARMACIST, CORPORATION OR OTHER FICTITIOUS PERSON OR OTHER  
RESPONSIBLE PARTY.

D. A VIOLATION OF THIS SECTION IS A CLASS ONE MISDEMEANOR.

E. ANY PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE FOUND  
TO BE DISPLAYED IN A RETAIL COMMERCIAL ESTABLISHMENT IN VIOLATION OF SUBSECTION  
A CONSTITUTES A NUISANCE AND IS SUBJECT TO FORFEITURE TO THE CITY. ANY PRODUCTS  
FORFEITED UNDER THIS SECTION SHALL BE DESTROYED.

F. PRODUCTS SUBJECT TO FORFEITURE UNDER THIS SECTION MAY BE  
SEIZED BY A PEACE OFFICER ON PROCESS ISSUED PURSUANT TO TITLE 13, ARIZONA  
REVISED STATUTES, INCLUDING A SEARCH WARRANT, OR UPON PROBABLE CAUSE TO  
BELIEVE THAT THE PROPERTY IS SUBJECT TO FORFEITURE. BEFORE REMOVING ANY  
PRODUCTS SUBJECT TO SEIZURE FROM THE RETAIL COMMERCIAL ESTABLISHMENT, THE  
PEACE OFFICER SHALL GIVE THE OPERATOR OF THE ESTABLISHMENT A REASONABLE  
OPPORTUNITY TO IMMEDIATELY REMOVE THE PRODUCTS FROM THE AREA OF THE  
ESTABLISHMENT ACCESSIBLE TO THE PUBLIC, UNLESS THE ESTABLISHMENT HAS BEEN  
AFFORDED THIS OPPORTUNITY TO AVOID A SEIZURE ON A PREVIOUS OCCASION.

G. AT THE TIME OF SEIZING ANY PRODUCTS UNDER THIS SECTION, THE PEACE OFFICER SHALL DELIVER A NOTICE OF INTENT TO FORFEIT THE SEIZED PRODUCTS. THE NOTICE SHALL INCLUDE THE DATE AND LOCATION OF THE SEIZURE, AN INVENTORY OF THE ITEMS SEIZED, A DESCRIPTION OF HOW A POST-SEIZURE HEARING MAY BE REQUESTED, THE TIME LIMIT FOR REQUESTING A HEARING, AND A WARNING THAT FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN THE FORFEITURE AND DESTRUCTION OF THE SEIZED PROPERTY. THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SERVED ON THE OPERATOR OR MANAGER OF THE RETAIL COMMERCIAL ESTABLISHMENT PRESENT AT THE TIME OF THE SEIZURE, OR IF THE PEACE OFFICER CANNOT IDENTIFY AN OPERATOR OR MANAGER AFTER REASONABLE EFFORTS, TO ANY EMPLOYEE OR WORKER PRESENT AND UNDER THIS CIRCUMSTANCE THE PEACE OFFICER SHALL ALSO POST THE NOTICE IN A CONSPICUOUS LOCATION WITHIN THE RETAIL ESTABLISHMENT.

H. A PARTY RECEIVING A NOTICE OF INTENT TO FORFEIT UNDER THIS SECTION MAY REQUEST A POST SEIZURE HEARING WITH THE CITY COURT TO DETERMINE THE VALIDITY OF THE FORFEITURE WITHIN FIFTEEN DAYS OF RECEIVING THE NOTICE. THE COURT SHALL CONDUCT THE HEARING WITHIN FORTY-EIGHT HOURS OF THE COURT'S RECEIPT OF THE REQUEST, EXCLUDING WEEKENDS AND CITY HOLIDAYS. FAILURE TO TIMELY REQUEST OR TO ATTEND A SCHEDULED HEARING CONSTITUTES A WAIVER OF THE RIGHT TO CHALLENGE THE VALIDITY OF THE FORFEITURE. AT THE HEARING, THE CITY SHALL HAVE THE BURDEN OF ESTABLISHING BY A PREPONDERANCE OF THE EVIDENCE THAT THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE. THE HEARING SHALL BE INFORMAL AND OPEN TO THE PUBLIC. THE COURT MAY ADMIT ANY RELIABLE RELEVANT EVIDENCE TO DETERMINE IF THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE. IF AFTER THE HEARING, THE COURT FINDS THE SEIZED PRODUCTS ARE NOT SUBJECT TO FORFEITURE, IT SHALL ORDER THE IMMEDIATE RETURN OF ALL SEIZED ITEMS, EXCEPT THAT, UPON REQUEST OF THE PROSECUTOR, A REASONABLY REPRESENTATIVE SAMPLE OF THE SEIZED PRODUCTS MAY BE RETAINED AS EVIDENCE FOR A CRIMINAL PROSECUTION UNDER THIS SECTION. IF THE COURT FINDS THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE, IT SHALL ORDER THEM FORFEITED TO THE CITY.

Section 2. Delayed Effective Date. The provisions of this ordinance shall take effect ninety days after passage.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_ day of November, 2005.

ATTEST:

CITY OF SCOTTSDALE, an  
Arizona municipal corporation

\_\_\_\_\_  
Carolyn Jagger  
City Clerk

\_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Deborah Robberson  
Acting City Attorney

**OPTION E**

**REQUIRES RETAILERS TO MAINTAIN INFORMATION FOR NINETY DAYS**

ORDINANCE NO. 3647

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY,  
ARIZONA, RELATING TO THE SALE OF PRODUCTS CONTAINING  
EPHEDRINE OR PSEUDOEPHEDRINE; REGULATING THE MANNER OF  
SALE; PROVIDING FOR THE SEIZURE AND FORFEITURE OF IMPROPERLY  
DISPLAYED PRODUCTS; REQUIRING IDENTIFICATION OF PURCHASERS;  
AND REQUIRING THAT PURCHASES BE LOGGED; ADDING SECTIONS 19-  
22 AND 19-23 TO THE SCOTTSDALE REVISED CODE

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 19-22 Scottsdale Revised Code is added as follows:

SECTION 19-22. SALE OF PRODUCTS CONTAINING EPHEDRINE OR  
PSEUDOEPHEDRINE.

A. THE OPERATOR OF A RETAIL COMMERCIAL ESTABLISHMENT SHALL  
KEEP ALL PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE BEHIND A STORE  
COUNTER OR OTHERWISE IN A MANNER THAT IS INACCESSIBLE TO CUSTOMERS WITHOUT  
THE ASSISTANCE OF THE OPERATOR OR AN EMPLOYEE OF THE ESTABLISHMENT.

B. FOR PURPOSES OF THIS SECTION, A PRODUCT CONTAINING  
EPHEDRINE OR PSEUDOEPHEDRINE INCLUDES ANY COMPOUND, MIXTURE OR PREPARATION  
THAT CONTAINS ANY DETECTABLE QUANTITY OF EPHEDRINE OR PSEUDOEPHEDRINE OR ITS  
SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS. PRODUCT PACKAGING THAT  
LISTS EPHEDRINE OR PSEUDOEPHEDRINE AS AN ACTIVE INGREDIENT SHALL CONSTITUTE  
*PRIMA FACIE* EVIDENCE THAT IT IS A PRODUCT CONTAINING EPHEDRINE OR  
PSEUDOEPHEDRINE.

C. FOR PURPOSES OF SUBSECTION A ABOVE, OPERATOR MEANS AN  
OWNER, MANAGER, PHARMACIST, CORPORATION OR OTHER FICTITIOUS PERSON OR OTHER  
RESPONSIBLE PARTY.

D. A VIOLATION OF THIS SECTION IS A CLASS ONE MISDEMEANOR.

E. ANY PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE FOUND  
TO BE DISPLAYED IN A RETAIL COMMERCIAL ESTABLISHMENT IN VIOLATION OF SUBSECTION  
A CONSTITUTES A NUISANCE AND IS SUBJECT TO FORFEITURE TO THE CITY. ANY PRODUCTS  
FORFEITED UNDER THIS SECTION SHALL BE DESTROYED.

F. PRODUCTS SUBJECT TO FORFEITURE UNDER THIS SECTION MAY BE  
SEIZED BY A PEACE OFFICER ON PROCESS ISSUED PURSUANT TO TITLE 13, ARIZONA  
REVISED STATUTES, INCLUDING A SEARCH WARRANT, OR UPON PROBABLE CAUSE TO  
BELIEVE THAT THE PROPERTY IS SUBJECT TO FORFEITURE. BEFORE REMOVING ANY  
PRODUCTS SUBJECT TO SEIZURE FROM THE RETAIL COMMERCIAL ESTABLISHMENT, THE  
PEACE OFFICER SHALL GIVE THE OPERATOR OF THE ESTABLISHMENT A REASONABLE  
OPPORTUNITY TO IMMEDIATELY REMOVE THE PRODUCTS FROM THE AREA OF THE



ESTABLISHMENT ACCESSIBLE TO THE PUBLIC, UNLESS THE ESTABLISHMENT HAS BEEN AFFORDED THIS OPPORTUNITY TO AVOID A SEIZURE ON A PREVIOUS OCCASION.

G. AT THE TIME OF SEIZING ANY PRODUCTS UNDER THIS SECTION, THE PEACE OFFICER SHALL DELIVER A NOTICE OF INTENT TO FORFEIT THE SEIZED PRODUCTS. THE NOTICE SHALL INCLUDE THE DATE AND LOCATION OF THE SEIZURE, AN INVENTORY OF THE ITEMS SEIZED, A DESCRIPTION OF HOW A POST-SEIZURE HEARING MAY BE REQUESTED, THE TIME LIMIT FOR REQUESTING A HEARING, AND A WARNING THAT FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN THE FORFEITURE AND DESTRUCTION OF THE SEIZED PROPERTY. THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SERVED ON THE OPERATOR OR MANAGER OF THE RETAIL COMMERCIAL ESTABLISHMENT PRESENT AT THE TIME OF THE SEIZURE, OR IF THE PEACE OFFICER CANNOT IDENTIFY AN OPERATOR OR MANAGER AFTER REASONABLE EFFORTS, TO ANY EMPLOYEE OR WORKER PRESENT AND UNDER THIS CIRCUMSTANCE THE PEACE OFFICER SHALL ALSO POST THE NOTICE IN A CONSPICUOUS LOCATION WITHIN THE RETAIL ESTABLISHMENT.

H. A PARTY RECEIVING A NOTICE OF INTENT TO FORFEIT UNDER THIS SECTION MAY REQUEST A POST SEIZURE HEARING WITH THE CITY COURT TO DETERMINE THE VALIDITY OF THE FORFEITURE WITHIN FIFTEEN DAYS OF RECEIVING THE NOTICE. THE COURT SHALL CONDUCT THE HEARING WITHIN FORTY-EIGHT HOURS OF THE COURT'S RECEIPT OF THE REQUEST, EXCLUDING WEEKENDS AND CITY HOLIDAYS. FAILURE TO TIMELY REQUEST OR TO ATTEND A SCHEDULED HEARING CONSTITUTES A WAIVER OF THE RIGHT TO CHALLENGE THE VALIDITY OF THE FORFEITURE. AT THE HEARING, THE CITY SHALL HAVE THE BURDEN OF ESTABLISHING BY A PREPONDERANCE OF THE EVIDENCE THAT THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE. THE HEARING SHALL BE INFORMAL AND OPEN TO THE PUBLIC. THE COURT MAY ADMIT ANY RELIABLE RELEVANT EVIDENCE TO DETERMINE IF THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE. IF AFTER THE HEARING, THE COURT FINDS THE SEIZED PRODUCTS ARE NOT SUBJECT TO FORFEITURE, IT SHALL ORDER THE IMMEDIATE RETURN OF ALL SEIZED ITEMS, EXCEPT THAT, UPON REQUEST OF THE PROSECUTOR, A REASONABLY REPRESENTATIVE SAMPLE OF THE SEIZED PRODUCTS MAY BE RETAINED AS EVIDENCE FOR A CRIMINAL PROSECUTION UNDER THIS SECTION. IF THE COURT FINDS THE SEIZED PRODUCTS ARE SUBJECT TO FORFEITURE, IT SHALL ORDER THEM FORFEITED TO THE CITY.

Section 2. Section 19-23 Scottsdale Revised Code is added as follows:

SECTION 19-23. REPORTING THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE.

A. A PERSON MAKING A RETAIL SALE OF A PRODUCT CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE SHALL REQUIRE ACCEPTABLE PHOTO IDENTIFICATION FROM THE PURCHASER AND SHALL RECORD THE PURCHASER'S NAME, DATE OF BIRTH, ADDRESS AND QUANTITY OF EPHEDRINE OR PSEUDOEPHEDRINE PRODUCT PURCHASED. FOR PURPOSES OF THIS SUBSECTION, ACCEPTABLE PHOTO IDENTIFICATION MEANS ANY OF THE FOLLOWING:

1. CURRENT DRIVERS LICENSE OR PICTURE IDENTIFICATION ISSUED BY THIS OR ANY OTHER STATE OR TERRITORY OF THE UNITED STATES OF AMERICA OR THE UNITED STATES GOVERNMENT;
2. A CURRENT VALID PASSPORT ISSUED BY THE UNITED STATES OF AMERICA OR A FOREIGN GOVERNMENT;
3. A CURRENT TRIBAL IDENTIFICATION CARD ISSUED BY A FEDERALLY RECOGNIZED TRIBE;

4. A CURRENT MILITARY IDENTIFICATION CARD ISSUED BY THE UNITED STATES ARMED FORCES OR DEPARTMENT OF DEFENSE; OR
5. A CONSULAR IDENTIFICATION CARD THAT PROVIDES A PHOTOGRAPH AND OTHER DESCRIPTIVE INFO REQUIRED IN SUBSECTION A ABOVE ISSUED BY A FOREIGN GOVERNMENT

B. THE SELLER OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE SHALL MAINTAIN ON THE PREMISES THE INFORMATION REQUIRED TO BE RECORDED BY SUBSECTION A FOR A PERIOD OF NINETY DAYS FROM THE DATE OF SALE. THIS INFORMATION SHALL BE AVAILABLE FOR INSPECTION AND/OR COPYING BY THE CHIEF OF POLICE OR DESIGNEE DURING NORMAL BUSINESS HOURS.

C. A VIOLATION OF THIS SECTION IS A CLASS ONE MISDEMEANOR.

Section 3. Delayed Effective Date. The provisions of this ordinance shall take effect ninety days after passage.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_ day of November, 2005.

ATTEST:

CITY OF SCOTTSDALE, an  
Arizona municipal corporation

\_\_\_\_\_  
Carolyn Jagger  
City Clerk

\_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Deborah Robberson  
Acting City Attorney

## **Pseudoephedrine Ordinance Forums**

### **Public Comments**

#### **Nov. 1 Public Comments (4 citizens).**

- Privacy Issues (Pharmacies already have logs)
- The original Iowa statute was similar to Arizona's current law. There were a large number of meth lab busts. After the Iowa legislature adopted the Oklahoma statute, meth lab busts dropped dramatically. The City should adopt the Oklahoma model.
- Supports recording information – will provide a good avenue for the police to track people who are purchasing it.
- Need to support this for our families. If we don't, it will have an overall corrosive effect to our communities.
- Meth creates problems in our schools and our children.
- There was a report of a nine year old that was sleeping over at a friend's house. She went to the refrigerator to get something to drink. She grabbed for the drink, only to find out it was a meth mixture.
- Across Arizona, there are meth lab busts every 3 days.
- Legislature needs to take a comprehensive approach to this issue. But local municipalities must do more than just a simple resolution – they need a comprehensive approach that involves every city and every agency that is impacted by this.
- A significant amount of our meth comes to Arizona from Mexico – A lot of what we receive is already cooked. So why the concern to monitor at stores?
- Meth brings criminal activity to neighborhoods.
- This is a very serious problem – only a 5 - 7% recovery rate for meth addicts.
- Please make the ordinance as strong as possible.

#### **Nov. 3 Public Comments (7 citizens).**

- How does the proposed ordinance differ from state law? Response: covers more products, requires identification and reporting by the retailer.
- What are the differences between the Phoenix Ordinance and the Oklahoma model. Response: Phoenix/Arizona law says nine grams per purchase, Oklahoma says nine grams per month. Oklahoma also requires pharmacists or pharmacy technicians to sell.
- Who does the log go to? It will go to the Scottsdale Police Department.
- Is there a comprehensive database between all of the cities? Response: No.
- I am against this ordinance – it's embarrassing and intrusive. It turns the relationship between the pharmacist and patient into an adversarial relationship. By making it more inaccessible, people will make a crime out of it to get it. Pharmacists already have issues and do not need a gunman coming in for pseudoephedrine to kill them. Take the woman in Chandler who was killed by an officer for trying to get medication. Her son could have been killed over it. Is this necessary? As a doctor, government should be out of this. Who's to say you'll stop at regulating pseudoephedrine? Drugs are readily available – regulating them is not the answer. I'm ok with it being behind the counter, but I'm not ok with having to show I.D. It's unnecessary to do this and is a waste of a person's time.
- I think this is a good step in a bigger solution. I'm ok with being inconvenienced.

**Nov. 3 Public Comments (continued)**

- If you're going to do it, why not make it a nationwide law and create a nationwide database where it can be tracked? You need to set up a nationwide database; otherwise this is not going to work.
- I agree with it being intrusive. However as a taxpayer, I'm paying for the side effects of the results with the children. We will have to create more rehabilitation programs; we'll have to pay more into the schools to regulate this type of activity.
- How is this any different than asking for an I.D. at a bar? Response: tobacco and alcohol sales require identification, but that information is not logged. This ordinance requires retailers to log the information and report it to the police department.
- Getting ID's will not be abused – it's meant to find the patterns in a persons buying behavior of that specific product.
- Oklahoma law cut meth lab busts by 80%. Iowa found that the Arizona-style statute wasn't as effective.

**Proposed Ordinance  
Regulating the Sale of  
Products Containing  
Ephedrine/Pseudoephedrine.**

**November 15, 2005**

# **The Methamphetamine Problem**

- **Ephedrine and pseudoephedrine are key ingredients (“precursor drugs”) in methamphetamine production.**
- **Pseudoephedrine is a chemically synthesized decongestant found in a wide variety of over-the-counter drugs, including such products as Actifed®, Claritin-D®, Sudafed®, Tylenol-Cold® and a variety of other retailer brands and generics.**
- **Ephedrine, the naturally derived form, is also found in over-the-counter allergy products.**

# **The Methamphetamine Problem**

- **These medications, by purchase or theft, are the prime source of ephedrine or pseudoephedrine used in illicit local manufacture of methamphetamine.**
- **The illicit local manufacture of methamphetamine in “meth labs” is a serious and continuing public safety problem due to the flammable and toxic nature of the chemicals used in production process.**

# **The Methamphetamine Problem**

- **Within the last 3 years, Scottsdale police have discovered evidence of five meth labs within the Scottsdale city limits.**
- **The pseudoephedrine found in these labs was obtained from local retailers of over-the-counter medications.**
- **Local methamphetamine use also significantly impacts Scottsdale's rates for crimes such as burglary, theft, fraud, identity theft and domestic violence.**



# **Proposed Ordinance**

- **Section 1. Requires retailers to keep any products containing ephedrine or pseudoephedrine locked up or behind a counter.**
- **Section 2. Requires that when customers buy these medications, retailers would be required to request identification and log the customer's name, address, date of birth and the quantity of medication being sold. Retailers also would be required to turn these logs over to the Scottsdale Police Department, either by mail or by submitting them on-line, monthly.**

# **Proposed Ordinance**

- **Section 3. Sets the effective date of this ordinance at 90 days to give retailers ample time to put measures into place to allow compliance with these provisions.**

## **Community Involvement**

- **Notification letters mailed to over 250 pharmacies and retailers.**
- **Staff met individually with retailers and industry representatives.**
- **Public meetings held on Nov. 1 and Nov. 3.**

## **Regulation by other jurisdictions**

- **Arizona statute went into effect Oct. 31. Put single-ingredient tablets behind the counter. Increased penalties for meth-related crimes.**
- **Camp Verde, Cottonwood, Phoenix, Pinetop-Lakeside and Tucson have all passed ordinances with further restrictions.**
- **Federal regulation is being considered.**

## **Options for Council Consideration**

- A. Approve Ordinance No. 3647.**
- B. Approve Ordinance No. 3647 without Section 2 (without identification and reporting requirements).**
- C. Direct Government Relations staff to support efforts to pursue stronger legislation in the 2006 state legislative session.**
- D. Take no action on this item at this time.**

## **Options for Council Consideration**

**E. Adopt Ordinance No. 3647, replacing Section 19-23, Subsection B, in Section 2 of the Ordinance, with the following language.**

**“B. The seller of products containing ephedrine or pseudoephedrine shall maintain on the premises the information required to be required by subsection A for a period of ninety days from the date of sale. This information shall be available for inspection and/or copying by the Chief of Police or designee during normal business hours.”**

STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES

LISA L. GLOW  
DIRECTOR

November 7, 2005

Mr. Brent Stockwell  
City of Scottsdale  
3939 N. Drinkwater Blvd.  
Scottsdale, Arizona 85251

Dear Mr. Stockwell,

According to the National Institute on Drug Abuse, methamphetamine represents the fastest growing drug threat in America today. It is a primary drug threat to Arizona where high purity, low cost methamphetamine is readily available. The effect meth users and makers have on their families, neighborhoods and communities can be devastating, especially for children. Law enforcement and addiction treatment resources are being stretched to the limit by this growing problem. Therefore, we must also make prevention a top priority.

Research shows that the most effective prevention measures are born and nurtured in local communities. To that end, the Arizona Parents Commission on Drug Education and Prevention and my Office are instituting a new, statewide anti-meth initiative to support community-based coalitions. This initiative will provide funding and technical support to help you create, implement and sustain prevention work in your community.

Attached is information about the initiative. Due to limited funding, it is anticipated that we will be awarding funding to approximately one coalition in each county and to various tribal organizations, so we strongly encourage collaboration between coalitions.

In order to receive funding, coalitions will be required to respond to the questionnaire in the form of a letter of interest which outlines their current activities (if any) and any supporting data on the impact of meth use and/or production in their local community.

I, both as Governor and personally, am very appreciative of the hard work that you and your organization do. I wish you the best as you plan and launch this new effort and look forward to following your progress.

Yours very truly,



Janet Napolitano  
Governor

Enclosures

# ARIZONA ANTI-METH INITIATIVES

COUNTY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
APACHE	Apache Youth Council	(1) In the development stage of a joint taskforce between Navajo and Apache Counties (2) Currently conducting an assessment the of problem and resources to develop a coordinated plan to address meth	Diane Ryan Apache Youth Council P.O. Box 1222 St. Johns, AZ 85936 928-337-4301 <a href="mailto:dryan.stjohns@narbha.org">dryan.stjohns@narbha.org</a>
	Towne of Eager – Apache County Cooperative Enforcement Narcotics Team (ACCENT)	Joint effort with Apache County Sheriff's Department to control the trafficking and availability of meth in rural towns and highways	Commander James Womack Apache County Sheriff's Office P.O. Box 518 St. Johns, AZ 85936 928-337-2131 or 928-337-4321 <a href="mailto:accent@cybertrails.com">accent@cybertrails.com</a>
COCHISE	Cochise Border Alliance Taskforce	Has conducted meth awareness presentations in Bisbee, St. David, Bowie and Sansimone	LT. Frank Martinez Border Alliance Taskforce 205 N. Judd Drive Bisbee, AZ 85603 520-432-9528 <a href="mailto:fmartinez@co.cochise.az.gov">fmartinez@co.cochise.az.gov</a>
	Willcox Against Substance Abuse	Operational Coalition focusing on local substance abuse issues. Coordination between with local hospitals and law enforcement has a subcommittee on meth	Chief Jake Weaver Willcox Police Department 151 W. Maley Street Willcox, AZ 85643 520-384-4673 x 226 <a href="mailto:jweaver@willcoxcity.org">jweaver@willcoxcity.org</a>
	Williams Alliance Against Drug Abuse	Currently in the planning process for developing a taskforce on methamphetamine. First meeting will be 10/25.	Connie Leto Executive Director Citizens Against Substance Abuse PO Box 1650 Flagstaff, Arizona 86002 928-779-5361 <a href="mailto:conniel@infomagic.net">conniel@infomagic.net</a>
COCONINO	Flagstaff Governor's Alliance Against Drugs		Supervisor Deb Hill Coconino County Board of Supervisors 219 East Cherry Flagstaff, AZ 86001 928-779-6699 <a href="mailto:dhill@coconinoAz.gov">dhill@coconinoAz.gov</a>
	No coalition or task force identified at this time		Sheriff William Pribil Coconino County Sheriffs Office 911 E. Sawmill Road Flagstaff, AZ 86001 928-226-5012 <a href="mailto:bpribil@coconino.az.gov">bpribil@coconino.az.gov</a>



# ARIZONA ANTI-METH INITIATIVES

COUNTY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
GILA	Community Outreach	Community outreach program that presents to schools, and corporations on dangers and signs of meth use	Steve Craig Commander Gila County Sheriffs Department 1100 South Street Globe, AZ 85501 928-595-3805 <a href="mailto:craig.gcntff@cybertrails.com">craig.gcntff@cybertrails.com</a>
	Arizona Local Government Employee Benefit Trust (AZLGEBT)	A six-county pool to request that companies that provide medication to county employees move all pseudoephedrine products behind the counter in Gila, Santa Cruz, La Paz, Apache, Graham, and Greenlee counties.	Mr. Erin Collins 1115 Stockton Hill Road, Suite 101 Kingman, AZ 86401 928-753-4700 <a href="mailto:erinp@ecollinsandassociates.com">erinp@ecollinsandassociates.com</a>
GRAHAM	Southeastern Arizona Behavioral Health Services Meth Coalition	(1) School presentations to 4,5, and 6 graders (2) Media campaign (radio and newspaper) (3) Planning a meth conference on Feb 1-3, 2006.	Kathy Grimes Prevention Specialist Southeastern Arizona Behavioral Health Services 1615 First Avenue Safford, AZ 85546 928-669-6115 <a href="mailto:grimesk@seabhssolutions.org">grimesk@seabhssolutions.org</a>
	Town of Pima	In the process of developing the Pima Community Advocacy Group	Vince Kieffer Town Manager Town of Pima P.O. Box 426 Safford, AZ 85546 928-485-2611 <a href="mailto:vkieffer@graham.az.gov">vkieffer@graham.az.gov</a>
GREENLEE	Greenlee Meth Taskforce and Greenlee/Graham Joint Taskforce	(1) Community planning and education initiatives (2) Billboard (3) School presentations (4) Youth Involvement (5) Information sharing between law enforcement agencies around meth-related crimes	Sean Wenham Coordinator Greenlee County Meth Taskforce P.O. Box 218 Morenci, AZ 85540 928-865-9083 <a href="mailto:methforce@gilahealth.com">methforce@gilahealth.com</a>
	LaPaz Narcotics Taskforce	(1) Community Presentations (2) School Presentations (3) Collection of statistics on trends and high traffic areas	Larry Kubacki Lieutenant La Paz County Sheriffs Office 1109 Arizona Avenue Parker, AZ 85344 928-699-6141 <a href="mailto:Kubacki@co.la-paz.az.us">Kubacki@co.la-paz.az.us</a>

# ARIZONA ANTI-METH INITIATIVES

COUNTY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
MARICOPA	City of Scottsdale	In the process of developing a city ordinance regulating the sale of over the counter drugs.	Brent Stockwell Assistant to the Mayor City of Scottsdale 3939 N. Drinkwater Scottsdale, AZ 85251 480-312-7288
	City of Phoenix Crystal Meth Taskforce	(1) Passed a city ordinance on the availability of psuedophedrine products (2) Identification of meth labs	John Brodsky City of Phoenix Media Relations 200 W. Washington Phoenix, AZ 85003 602-261-8512
	City of Buckeye- HIDA Taskforce	In the process of developing policies regarding the availability of precursor drugs used to make meth	Sara Blank Town of Buckeye 100 N. Apache, Suite A Buckeye, AZ 85326 623-386-4691 x 240 sblank@buckeyaz.gov
	City of Peoria – HIDA Taskforce	MET Taskforce that works with communities to assist in the clean up of meth labs	Special Agent Morgan Holley Peoria Police Department 3010 N. 2 <sup>nd</sup> Street Phoenix, AZ 85012 602-664-5600
	City of Surprise	Currently in the process of developing a local ordinance against meth	Sintra Hoffman Director of Intergovernmental Relations City of Surprise 12425 W. Bell Road, Suite D100 Surprise, AZ 85374 623-583-1000
	The Seriously Mentally Ill Commission	Commission meets monthly or bi-monthly to find solutions to mental illnesses caused by methamphetamine use.	Mr. Don Stapely Chairman 301 W. Jefferson, 10 <sup>th</sup> Floor Phoenix, AZ 85003 602-506-7431 dstapley@mail.maricopa.gov
	Drug Free AZ	(1) Drug Facts for parents, teachers, youth and college students (2) Publications (3) Website (4) Drug/Alcohol Prevention Events	Nicole Pena Maricopa County Attorney's Office 301 W. Jefferson, Suite 800 Phoenix, AZ 85003 602-506-7630 pena@mcao.maricopa.gov

# ARIZONA ANTI-METH INITIATIVES

COUNTY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
MOHAVE	City of Kingman	(1) Held first Meth Forum in April 2005 to discuss the problem and what can be done to address the problem (2) Working to develop a workgroup or taskforce to address meth	Bob DeVries Police Chief Kingman Police Department 2730 E. Andy Devine Avenue Kingman, AZ 86401 928-753-2191 rdevries@ci.kingman.az.us
	Mohave Area General Narcotics Enforcement (Magnet)	(1) High Intensity Drug Task Force (2) In-school and community presentations	Paul Maine Department of Public Safety P.O. Box 1191 Kingman, AZ 86402 928-757-5200 pmaine@azdps.gov
	No coalition or task force identified at this time		Peter Byers Mohave County Supervisors 809 E. Beale Street Kingman, AZ 86401 928-753-0772 pete.byers@co.mohave.az.us
			Patty Mead Director, Mohave County Health Department PO Box 7000 Kingman, AZ 86402 928-753-0774 Patty.Mead@co.mohave.az.us
NAVAJO	Navajo County Major Crimes Apprehension Teams	(1) School Presentations (2) Northern Arizona Regional Coalition (developing taskforce) (3) Development Drug Court (4) Citizen Academies on dangers or meth	Casey Clark Navajo Lt. Deputy Sheriff 100 East Carter Drive South Highway 77 Holbrook, AZ 86025 928-524-4785 kc.clark@co.navajo.az.us
PIMA	Tucson Meth Free Alliance	(1) Training/Conferences (2) Media Campaign (3) Community Awareness (4) Meth Taskforces	Javier Herrera Cope Behavioral Services 82 South Stone Ave. Tucson, Arizona 85701 520-792-3292 jherrera@copebhs.com
	Town of Marana	(1) Kids of Meth Abusing Parents (2) Drug Endangered Children (3) Participates in Tucson Meth Free Alliance	Sgt. Tim Brunekant Marana Police Department 11555 W. Civic Center Drive Marana, AZ 85653 520-382-2000 tbrunekant@marana.com

# ARIZONA ANTI-METH INITIATIVES

COUNTY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
PINAL	City of Coolidge	A participant of the Pinal County Drug Taskforce which is focused on trafficking, arrest and prosecution of meth-related crimes	James Palmer Coolidge Chief of Police 911 S. Arizona Boulevard Coolidge, AZ 85228 520-723-5311 <a href="mailto:jimp@coolidgeaz.com">jimp@coolidgeaz.com</a>
	City of Maricopa		Lt. Scott Elliot Pinal County Sheriffs Office P.O. Box 867 Maricopa, AZ 85232 520-568-2233 <a href="mailto:scott.Elliott@co.pinal.az.us">scott.Elliott@co.pinal.az.us</a>
	Town of Kearny	The Kearny council is in the process of drafting a city ordinance controlling the sale of psuedoephedrine products	Margaret Gatson Town Clerk P.O. Box 639 Kearny, Arizona 85237 520-363-5547 <a href="mailto:Margaret@townofkearny.com">Margaret@townofkearny.com</a>
	Casa Grande Alliance	(1) Meth Mommies (Mothers of adult children addicted to meth) (2) Public education on the effects of meth (3) Mobile meth lab (4) Resource Library on meth (5) Parenting Skills for high risk parents (6) Meth Watch Retail Program	Cindy Schaidler Casa Grande Alliance P.O. Box 11043 Casa Grande, AZ 85230 520-296-6618 520-560-1806 <a href="mailto:schaidler@cybertrails.com">schaidler@cybertrails.com</a>
SANTA CRUZ	Santa Cruz County Metro Taskforce	(1) Enforcement around availability and supply of meth (2) Red Ribbon Week (3) School Presentations (4) Statistical reporting on meth-related crimes	Tony Estrada Santa Cruz County Sheriff 1250 N. Hohokam Dr Nogales, AZ 85621 520-792-3292 <a href="mailto:romo@co.santa-cruz.az.us">romo@co.santa-cruz.az.us</a>
	Seeds of Change	Works with the Nogales Unified School District and Southeastern Behavioral Health Services to plan a meth conference in 2006 focusing on the symptoms of meth use, treatment, prevention and enforcement	Liz Collier Seeds of Change 520-287-6292

## ARIZONA ANTI-METH INITIATIVES

COUNTY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
YAVAPAI	Chino Valley	Partners Against Narcotics Taskforce focusing on enforcement around meth in Verde Valley and Cottonwood	Patricia Huntsman Police Chief P.O. Box 406 Chino Valley, AZ 86323 928-636-4223 x 113 <a href="mailto:phuntsman@chinoaz.net">phuntsman@chinoaz.net</a>
	City of Cottonwood	<ol style="list-style-type: none"> <li>(1) Passed a city ordinance restricting the sale of pseudo-ephedrine products</li> <li>(2) Partners Against Narcotics Taskforce focusing on enforcement around meth in Verde Valley and Cottonwood</li> <li>(3) Prevention media campaign through Partnership for a Drug Free America</li> <li>(4) Posters on the "ugly side of meth"</li> <li>(5) Parent Forums</li> </ol>	Brian Mickelsen City Manager City of Cottonwood 827 Main Street Cottonwood, AZ 86326 928-634-5526 <a href="mailto:bmickelsen@ci.cottonwood.az.us">bmickelsen@ci.cottonwood.az.us</a>
	MAT Force	Currently in the planning process for developing community education and prevention initiatives around meth	Shiela Polk Yavapai County Attorney 255 E. Gurley Prescott, AZ 86301 (928) 771-3344 <a href="mailto:Sheila.Polk@co.yavapai.az.us">Sheila.Polk@co.yavapai.az.us</a>
YUMA	Yuma Sheriff's Department	<ol style="list-style-type: none"> <li>(1) Operational Task Force on Meth to address responses to meth labs</li> <li>(2) Methamphetamine Nucleus Group is consists of representatives for the community includes PSAs and community education</li> <li>(3) Methamphetamine Action Group is a national taskforce set up by the National Association of Counties focuses on health and safety around meth.</li> </ol>	Ralph Ogden Yuma County Sheriff 141 S. 3rd Avenue Yuma, AZ 85364 928-343-2739 <a href="mailto:Ralph.ogden@co.yuma.az">Ralph.ogden@co.yuma.az</a>

# ARIZONA ANTI-METH INITIATIVES

TRIBES		
TRIBE NAME	INITIATIVE	CONTACT INFORMATION
Ak-Chin Indian Community	No coalition or task force identified at this time	Terry O. Enos Chairperson Ak-Chin Indian Community 42507 W. Peters & Nall Road Maricopa, AZ 85239 Phone: 520-568-1000 FAX: 520-568-4566
Cocopah Tribe	No coalition or task force identified at this time	Sherry Cordova Chairperson Cocopah Tribe Avenue G & County 15th Somerton, AZ 85350 Phone: 928-627-2061 FAX: 928-627-1617 Direct Fax Chairperson: 928-627-3173
Colorado River Indian Tribes	Currently in the planning phase	Daniel Eddy, Jr., Chairman Colorado River Indian Tribes Route 1, Box 23-B Parker, AZ 85344 Phone: 928-669-9211 FAX: 928-669-5675 Direct Fax Chairman: 928-669-1216
	In the process of developing a community action plan to address meth	Merv Lynch Prevention Coordinator Division of Behavioral Health Services 150 North 18th Avenue, #200 Phoenix, Arizona 85007 602-364-4610 mlynch@azdhs.gov
Fort McDowell Yavapai Nation	No coalition or task force identified at this time	Raphael Bear President Fort McDowell Yavapai Nation PO Box 17779 Fountain Hills, AZ 85269 Phone: 480-837-5121 FAX: 480-837-1630

## ARIZONA ANTI-METH INITIATIVES

TRIBE NAME	INITIATIVE	COMPONENTS	CONTACT INFORMATION
Fort Yuma-Quechan Tribe	No coalition or task force identified at this time		Mike Jackson, Sr. President Fort Yuma-Quechan Tribe PO Box 1899 Yuma, AZ 85366 Phone: 760-572-0213 FAX: 760-572-2102
Gila River Indian Community	No coalition or task force identified at this time		Richard Narcia Governor Gila River Indian Community PO Box 97 Sacaton, AZ 85247 520-562-6000
Havasupai Tribe	No coalition or task force identified at this time		Rex Tilousi Chairman Havasupai Tribe PO Box 10 Supai, AZ 86435 Phone: 928-448-2731 FAX: 928-448-2551
The Hopi Tribe	First Responder Methamphetamine Training Program	Held a two-day summit on alcohol and substance abuse in April, 2005	Wayne Taylor, Jr. Chairman The Hopi Tribe PO Box 123 Kykotsmovi, AZ 86039 Phone: 928-734-2441 FAX: 928-734-6665
			Claudette Douglas Hopi Guidance Center P.O. Box 123 Kykotsmovi, AZ 86039 928-737-2665
Hualapai Tribe	No coalition or task force identified at this time		Charles Vaughn Chairperson Hualapai Tribe PO Box 179 Peach Springs, AZ 86434 Phone: 928-769-2216 FAX: 928-769-2343
Kaibab-Paiute Tribe	No coalition or task force identified at this time		Carmen Bradley Chairperson Kaibab-Paiute Tribe HC 65, Box 2 Tribal Affairs Building Fredonia, AZ 86022 Phone: 928-643-7245 FAX: 928-643-7260

# ARIZONA ANTI-METH INITIATIVES

TRIBE NAME	INITIATIVE	COMPONENTS	CONTACT INFORMATION
Navajo Nation	Navajo Nation	<ul style="list-style-type: none"> <li>(1) Navajo Meth Task Force</li> <li>(2) Community presentations on meth and other substances</li> <li>(3) Documentary on the effects of meth</li> <li>(4) Meth Billboard</li> </ul>	<p>Joe Shirley, Jr. President Navajo Nation PO Drawer 9000 Window Rock, AZ 86515 Phone: 928-871-6352 FAX: 928-871-4025</p> <p>Charlotte James Program Project Specialist P.O. Box 709 Window Rock, AZ 86515 928-729-4470 charjames1215@yahoo.com</p>
	White Mountain Meth Coalition – Holbrook	Details unavailable at this time	<p>Alex Baldonado Community Counseling Center 928-524-6126 x333</p>
Pascua Yaqui Tribe	No coalition or task force identified at this time		<p>Hermينيا Frias Chairperson Pascua Yaqui Tribe 7474 S. Camino DeOeste Tucson, AZ 85746 Phone: 520-883-5000 FAX: 520-883-5014</p>
Salt River Pima- Maricopa Indian Community	No coalition or task force identified at this time		<p>Joni Ramos President Salt River Pima- Maricopa Indian Community 10005 E. Osborn Road Scottsdale, AZ 85256 Phone: 480-850-8000 FAX: 480-850-8014</p>
San Carlos Apache Tribe	No coalition or task force identified at this time		<p>Kathy Kitcheyan, Chairperson San Carlos Apache Tribe PO Box 0 San Carlos, AZ 85550 Phone: 928-475-2361 FAX: 928-475-2567</p>



## ARIZONA ANTI-METH INITIATIVES

TRIBE NAME	INITIATIVE	COMPONENTS	CONTACT INFORMATION
San Juan Southern Paiute	No coalition or task force identified at this time		Evelyn James President San Juan Southern Paiute PO Box 1989 Tuba City, AZ 86045 Phone: 928-283-6342 FAX: 928-283-5761
Tohono O'Odham Nation	No coalition or task force identified at this time		Vivian Juan-Saunders Chairperson Tohono O'Odham Nation PO Box 837 Sells, AZ 85634 Phone: 520-383-2028 FAX: 520-383-3379
Tonto Apache Tribe	No coalition or task force identified at this time		Ivan Smith, Chairperson Tonto Apache Tribe #30 Tonto Apache Reservation Payson, AZ 85541 Phone: 928-474-5000 FAX: 928-474-9125
White Mountain Apache Tribe	No coalition or task force identified at this time		Dallas Massey, Sr., Chairman White Mountain Apache Tribe PO Box 700 Whiteriver, AZ 85941 Phone: 928-338-4346 FAX: 928-338-1514
Yavapai-Apache Nation	No coalition or task force identified at this time		Jamie Fullmer, Chairman Yavapai-Apache Nation PO Box 1188 Camp Verde, AZ 86322 Phone: 928-567-3649
Yavapai-Prescott Indian Tribe	No coalition or task force identified at this time		Ernie Jones, Sr. President Yavapai-Prescott Indian Tribe 530 E. Merritt Street Prescott, AZ 86301 Phone: 928-445-8790 FAX: 928-778-9445
Zuni Tribe	No coalition or task force identified at this time		Arlen P. Quetawki Governor Zuni Tribe P.O. Box 339 Zuni, NM 87327 Phone: (505) 782-4481 FAX: (505) 782-2700

## ARIZONA ANTI-METH INITIATIVES

STATEWIDE			
AGENCY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
Arizona Attorney General	Drug Endangered Children	(1) Training and technical assistance on protocols for meth investigations (2) Multi-agency taskforce	Mark Evans Assistant Attorney General Arizona Office of the Attorney General Department of Law 1275 West Washington Street Phoenix, AZ 85007 602-542-8431 <a href="mailto:mark.evans@azag.gov">mark.evans@azag.gov</a>
Arizona Department of Economic Security	Meth Taskforce	Focuses on the parental effects of meth use including child abuse and neglect and developing protocols for service delivery	Mr. Steve Sparks Director Department of Economic Security Division of Children, Youth and Families 1789 W. Jefferson Street Phoenix, AZ 85007 602-542-3907 <a href="mailto:SSparks@azdes.gov">SSparks@azdes.gov</a>
Arizona Department of Behavior Health Services	<u>Cochise and Santa Cruz Counties</u> (1) Cochise Substance Abuse Coalition (2) WASA Patagonia Oversight Coalition (3) Drug Free Communities Coalition (4) Santa Cruz County Weed and Seed Coalition	(1) Community awareness of drug related problems (2) Reduce service duplication and locally monitor program effectiveness	Sally Holcomb Southeastern Behavioral Health Services 88 South First Street Sierra Vista, AZ 520-459-6377 <a href="mailto:seabhs@mindspring.com">seabhs@mindspring.com</a>

## ARIZONA ANTI-METH INITIATIVES

AGENCY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
Arizona Department of Behavior Health Services	<u>Tohono O'Odham Nation</u> (1) CORE Coalition (2) Think Tank	(1) A new coalition of representatives from five western of the Tohono O'Odham Nation aimed at changing norms toward substance abuse (2) Coalition of school and tribal departments community members, youth and other agencies to address the issues of attendance and drugs and alcohol affecting	Barbara Norris Pima Youth Partnership 4239 W. Ina Road, Suite 101 Tucson, AZ 85741 520-744-9595 <a href="mailto:Barbara@pyp.com">Barbara@pyp.com</a>
	<u>Pisenemo</u> Pisenemo Coalition	A community group that monitors enforcement of laws around drug and alcohol use in the Tohono O'Odham Nation's western district	
	<u>Marana</u> Marana Coalition for Drug and Alcohol Awareness	Community awareness of drug-related problems	
	<u>Ajo</u> Ajo Hope Coalition	Community awareness of drug related problems	
	<u>Catalina</u> Catalina Community Anti-substance Abuse Coalition	Increase local support for reporting illegal activities and provide for additional resources for the community	
	<u>Tucson</u> Luz Southside Coalition	Removal of illegal billboards with the LSSC targeted area in Tucson's south side	Richard Jasso Luz Social Services 2797 North Introspect Drive Tucson, AZ 85714 (520) 882-6216 <a href="mailto:rjasso@luzsocialservices.org">rjasso@luzsocialservices.org</a>
	29th Street Coalition	Provided testimony and research about over-saturation of liquor licenses in the area	Jeanne Miller Information and Referral Services 3130 North Dodge Blvd. Tucson, 85716 (520) 323-1303 <a href="mailto:jeanne@azinfo.org">jeanne@azinfo.org</a>
	Kino Weed and Seed Coalition	Seeks to promote community change in the Kino area on Tucson's south side	Aimee Graves CODAC 127 S. 5th Avenue Tucson, AZ 85701 (520) 202-1722 <a href="mailto:agraves@codac.org">agraves@codac.org</a>

## ARIZONA ANTI-METH INITIATIVES

AGENCY	NAME OF INITIATIVE	COMPONENTS	CONTACT INFORMATION
Arizona Department of Behavior Health Services	<u>Phoenix</u> Value Options Community Advisory Coalition	Provides shelter, employment and housing services to families	Martha Childress Calloway Black Family and Child Services 1522 East Southern Phoenix, AZ 85040 (602) 243-1773 <a href="mailto:msccalloway@yahoo.com">msccalloway@yahoo.com</a>
	Excelencia Drug Prevention Community Coalition	Targeting Creighton School District	Jose Martinez Chicanos Por La Causa 1112 East Buckeye Road Phoenix, AZ 85034 (480) 967-3602 <a href="mailto:jose.martinez@cpclc.org">jose.martinez@cpclc.org</a>
	<u>White Mountain Apache Tribe</u> White Mountain Apache Suicide Taskforce	Reduce delinquency and drug abuse and increase positive, healthy behaviors. Implement the MST approach to serving seriously delinquent youth and their families.	Petrice Post NARBHA 1300 S. Yale Street Flagstaff, AZ 85601 (928) 774-7128 <a href="mailto:PetriceP.NARBHA_OCS@narbha.com">PetriceP.NARBHA_OCS@narbha.com</a>
	<u>Three Points</u> Community Substance Abuse Advisory Council	Details unavailable at this time	Jeannine Chappel La Frontera Center 410 South 6th Avenue Tucson, AZ 85713 <a href="mailto:ichapelle@lafrontera.org">ichapelle@lafrontera.org</a>
	<u>Pima County</u> Tucson/Pima County Addiction Treatment and Prevention Commission	Targets underage drinking	Chuck Palm Pima Prevention Partnership 2525 E. Broadway, Suite 100 Tucson, AZ 85716 520-326-2528 x104 <a href="mailto:kwalker@thepartnership.us">kwalker@thepartnership.us</a>
	<u>Chandler</u> Value Options	Details unavailable at this time	Lyra Contreras Improving Chandler Area Neighborhoods 201 S. Washington St. Chandler, AZ 85225 480-821-4207
	<u>Tempe</u> Value Options – Tempe Mayors Alliance	Details unavailable at this time	Jennifer Rauhouse City of Tempe/ Peer Solutions 1811 South Alma School Road Mesa, AZ 85210 602 225-0942 <a href="mailto:info@peersolutions.org">info@peersolutions.org</a>
	<u>Maricopa</u> Maricopa Methamphetamine Taskforce – Value Options	Coalition of first responders including law enforcement, SA treatment, Governor's Office, ADHS, RBHA, Univ. of Arizona and Attorney General's Office. Focus is countywide strategies to address methamphetamine in the crisis system.	Frank Scarpali Community Bridges P.O. Box 24148 Phoenix, AZ 85074 (480) 600-2054 <a href="mailto:fscarpali@cbridges.com">fscarpali@cbridges.com</a>